

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

RESOLUTION 2017-103

*A RESOLUTION APPROVING A VARIANCE FROM MINIMUM FRONT YARD SETBACK
STANDARDS WITHIN THE RURAL SINGLE FAMILY ZONING DISTRICT*

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

WHEREAS, Ben Ostarello, 8323 Deer Pond Trail N, Lake Elmo, MN 55042 (“Applicant”), has submitted an application to the City of Lake Elmo (the “City”) for a variance from the minimum front yard setback requirements of the Rural Single Family zoning district.

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 September 25, 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 September 25, 2017; and

WHEREAS, the City Council considered said matter at its October 3, 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 from the minimum front yard setback requirements of the Rural Single Family zoning district to allow a front yard setback for a garage of 21 feet 6 inches.

- 4) That the Variance will be located on property legally described as follows: OACE ACRES 5TH ADD Lot 2 Block 1 Subdivision Cd 37549. PID# 09.029.21.34.0002.
- 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 house, which was built prior to current zoning standards, is unique in that the house is sited at an angle, whereas the faces of garages of the surrounding houses are perpendicular to the street. Had the face of the garage been perpendicular to the street, an addition to the garage could have been constructed without the need for a variance. It is not proposed that the principal structure expand in to the front setback, only a portion of the attached garage.***
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: The house was constructed prior to current zoning standards and is sited at an angle, requiring any expansion of the existing garage to require a variance from the minimum front yard setback requirements.***
- 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 variance will allow an expansion of an existing garage, only requiring a minor alteration to the existing structure, as opposed to requiring construction of an entirely new garage. One of two trees will require removal, but the remaining pine tree provides some screening from the garage. The design and color of the exterior building materials of the addition are similar or compatible with the existing garage and principal building.***
- 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 variance will not impair an adequate supply of light and air to properties adjacent to the subject property, 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.

Passed and duly adopted this 3rd day of October 2017 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk