

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

RESOLUTION 2017-115

*A RESOLUTION APPROVING A VARIANCE ALLOWING EXPANSION OF NON-
CONFORMING STRUCTURE WITHIN THE 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, Peter and Adrienne Pavek, 8130 Hill Trail N, Lake Elmo, MN 55042 (“Applicant”), has submitted an application to the City of Lake Elmo (the “City”) for a variance to allow expansion of a non-conforming structure not meeting the minimum required structure setback from the Ordinary High Water Level on a lot not meeting minimum lot size 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 17, 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 expansion of a non-conforming structure not meeting the minimum required structure setback from the Ordinary High Water Level on a lot

not meeting minimum lot size requirements of the Rural Single Family zoning district. The expansion includes an expansion to an existing deck; frost footings to the northwest corner of the house; an addition to the house to match the current house width; an entry roof adjacent to an existing deck attached to the garage; a walkway connecting the garage and house; and a screened porch, as indicated in the site plan dated 7/24/17.

- 4) That the Variance will be located on property legally described as follows: LOTS 524 THRU 527& LOTS 612 THRU 615 WARNING: (SUBJ TO RESOLUTION 87-32 CITY OF LAKE ELMO THAT PROHIBITS TRANSFER OF REAL ESTATE IN THE LANES DEMONTREVILLE PLAT WITH- OUT CITY APPROVAL) SubdivisionName LANE'S DEMONTREVILLE COUNTRY CLUB Lot 614 SubdivisionCd 37445. PID# 09.029.21.22.0007.
- 5) That the overall impervious surface of the site as shown on the proposed site plan dated July 24, 2017 reduces the amount of impervious surface on the property.
- 6) 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 size of the lot and the required setbacks for the septic system and wells create difficulties in determining an area for expansion of the existing home. A great majority of the proposed addition to the home will be adding a second story, which does not increase the non-conformity. Only the addition of a covered walkway, entry roof, and small expansion to match an already existing width of the house is being proposed within the required setback from the Ordinary High Water Level.***
- 7) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: The property was platted and the house was constructed long before current minimum lot size and shoreland standards. The addition of a garage by a previous landowner about 13 years ago severely limited options to expand the home elsewhere on the property. The majority of the proposed addition to the home will be on the second story and will in no way limit secondary septic drainfield options, as soil borings have determined the proposed locations of the additions are not suitable for septic area.***
- 8) That the proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific findings: The house is currently smaller than surrounding homes, and so the expansion of the home will in fact cause the home to conform closer to the essential character of the locality.***
- 9) 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 addition will not encroach further to the required setback from the Ordinary High Water Level, thus not impairing views of the lake. Surrounding***

homes appear to be larger than the subject property, and so supply of air and light will not be affected with the addition.

CONCLUSIONS AND DECISION

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

- 1) That the applicant remove the existing gravel driveway and re-sod the area as shown on the proposed site plan.
- 2) That the maximum allowable impervious surface coverage on the property shall not exceed the proposed 25%.
- 3) That the Applicant obtain all applicable and required permits.

Passed and duly adopted this 17th day of October 2017 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk