

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

RESOLUTION 2017-075

A RESOLUTION RESCINDING RESOLUTION 2017-062 AND APPROVING A VARIANCE FROM MINIMUM STRUCTURE SETBACK FROM ORDINARY HIGH WATER LEVEL AND MAXIMUM IMPERVIOUS SURFACE STANDARDS 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, Scott and Julie Drommerhausen, 9359 Jane Road North, Lake Elmo, MN 55042 (“Applicant”), has submitted an application to the City of Lake Elmo (the “City”) for variances to allow construction of an approximately 685 square-foot addition, which will replace an existing deck, to the east of an existing home currently setback 45.4 feet from the Ordinary High Water Level (OHWL) and maximum impervious surface standards to increase the current impervious surface percentage from 26.9% to 29.7%.

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 June 12, 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 June 12, 2017; and

WHEREAS, the City Council considered said matter at its June 20, 2017 meeting and adopted Resolution 2017-067, approving the variance request, 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 direct appropriate rain gutter discharges into a rain garden (infiltration basin designed to capture and infiltrate runoff) designed by a professional engineer or landscape architect and installed under their direction. The rain garden should mitigate the increased impervious surface of the entire addition to the home (685 square feet); and

WHEREAS, the Council wishes to remove the aforementioned condition of variance approval that the Applicant shall direct appropriate rain gutter discharges into a rain garden (infiltration basin designed to capture and infiltrate runoff) designed by a professional engineer or landscape architect and installed under their direction. The rain garden should mitigate the increased impervious surface of the entire addition to the home (685 square feet);

WHEREAS, the Council now rescinds Resolution 2017-062, and this Resolution is no longer in effect; and

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 an addition to an existing single-family detached home that does not meet the minimum setback from the OHWL or maximum impervious surface requirements.
- 4) That the Variance will be located on property legally described as follows: Lots 9 & 10, Berschen's Shores, Washington County, Minnesota. PID# 10.029.21.24.0006.
- 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 prior to adjustment of the Ordinary High Water of Lake Jane and the adoption of Shoreland standards by the City, and therefore the lot is much wider than it is long. Because of the shape of the lot, the Applicant is proposing to expand the home laterally rather than further encroaching on the current setback of the Ordinary High Water Level. Additionally, the addition will not expand much more of the footprint of the principal structure, as a slightly smaller deck that will be torn down exists where the addition is being proposed. Additionally, although the City's ordinance does not treat decks as impervious, many do. If decks were considered impervious, the addition would only add 109 square feet of impervious surface, or an increase of about 0.46%.***
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: The property is unique in that it is much wider than it is long, and the Applicant was not involved in the platting process of this property nor the adoption of the City's shoreland standards. The Applicant also was not involved in any previous variance requests for the subject property.***
- 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 addition is in place of an existing deck and only slightly increases the footprint of the existing principal structure, including the existing deck, by 109 square feet. Additionally, the proposed addition does not further encroach on the existing setback of the principal structure from the OHWL of***

the property and has a setback from the OHWL similar to those of adjacent principal structures.

- 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 addition will not further encroach on the setback of the existing structure from the OHWL and therefore will not further impair lake views of neighboring properties and will not impair an adequate supply of light and air. It also will not increase congestion of public streets or substantially diminish or impair property values within the neighborhood. Adjacent properties, including the subject property, have been granted similar variances and are setback a similar distance from the OHWL.*

CONCLUSIONS AND DECISION

Based on the foregoing, Resolution 2017-062 is rescinded and no longer in effect, and 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.

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