

**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) for the property located at 8690 Lake Jane Trail North. 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.

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