

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

RESOLUTION NO 2018-038

A RESOLUTION APPROVING A VARIANCE TO ALLOWING THE EXPANSION OF A NON-CONFORMING STRUCTURE NOT MEETING SIDE YARD SETBACK OF THE CITY'S ACCESSORY STRUCTURE REQUIREMENTS AT 8728 DEMONTREVILLE TRL N.

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

WHEREAS, Brooks Moening, 8728 DeMontreville Trl N, Lake Elmo MN 55042 (Applicant/Owner), has submitted an application to the City of Lake Elmo (the "City") for variance to allow the expansion of a non-conforming structure not meeting the minimum side yard setback requirement for accessory structures. The proposed addition does not encroach further into the side yard. The garage will not exceed the maximum allowed size for the property which is 1,200 square feet.

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 March 26, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated March 26, 2018; and

WHEREAS, the City Council considered said matter at its April 3, 2018 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 the expansion and renovation of a currently existing accessory structure which does not meet the minimum side yard lot line setback.
- 4) That the Variance will be located on property legally described as follows:
SUBDIVISIONNAME BERGMANN ADD LOT 5 BLOCK 2 SUBDIVISIONCD
37085, 8980 Hudson Boulevard North, Washington County, Minnesota with the following PID: 04.029.21.12.0017.

- 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 Finding: The property had been platted and built on prior to the establishment of the current zoning code. Because of this the parcel is significantly smaller than others of its kind. Though the garage is currently non-conforming, this appears to be a reasonable request as everything besides the side yard setback would be conforming to current code.*
- 6) The plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific Findings: The property was platted prior to current zoning standards and does not meet the current minimum lot width requirements, which makes it difficult to fit a detached garage on the property meeting required side yard setback requirements. The existing garage was built prior to current zoning standards and does not meet minimum setback requirements, and the Applicant would like to re-build and expand the length of the existing garage in the same location.*
- 7) The proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific Findings: The property is wooded on all sides. Also there are other residencies in the area which have attached or detached garages with some lots also having accessory structures. There is a heavy woodline on the northern property edge and the nearest dwelling unit to the north is over 400 ft away. From an aerial perspective it would not seem reasonable to think anyone could perceivably notice that the garage had been rebuilt and expanded off the rear.*
- 8) The proposed variance will not impair an adequate supply of light and air to property 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: A variance from the required side yard setback to expand the structure will not impair an adequate supply of light and air to adjacent properties. Congestion of public streets or diminishment or impairment of property values will also not be affected.*

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 obtain all applicable permits including but not limited to a City building permit including a grading and erosion control, and by the City Engineer.
2. The structure complies with section 154.406 Accessory Structures, Rural Districts Sub. (C,D,E, and F)
3. The exterior building materials, design and color shall be compatible with the principal building.
4. The garage door height not exceed fourteen (14) feet.

Passed and duly adopted this 3rd day of April, 2018 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Mike Pearson

ATTEST



Julie Johnson, City Clerk