

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

**RESOLUTION NO 2019 - 058**

*A RESOLUTION APPROVING A VARIANCE TO ALLOW THE CONSTRUCTION OF A  
CHAPEL OR PLACE OF WORSHIP ON THE PROPERTY LOCATED AT 8249  
DEMONTREVILLE TRAIL BY USING AN EXISTING DRIVEWAY FOR ACCESS TO  
DEMONTREVILLE TRAIL*

**WHEREAS**, Reverend John Burns, representing the Carmelite Hermitage (the “Applicant”) of 8249 Demontreville N, Lake Elmo MN 55042, Washington County, Minnesota (the “Property”) has submitted an application to the City of Lake Elmo (the “City”) for a variance or an exception to the City Code requirement about having direct access to a collector or arterial street for a chapel or place of worship; and

**WHEREAS**, the applicant is requesting City approval to allow the use of an existing driveway to Demontreville Trail for access to their site for the construction of a chapel or place of worship on their property; and

**WHEREAS**, the Carmelites property is landlocked but has access to Demontreville Trail via an existing driveway that is located in an easement that crosses an adjoining property; and

**WHEREAS**, the Carmelites have used the existing driveway to Demontreville Trail for access to their property since at least 1967; and

**WHEREAS**, the requested access request will not change the character of the area; and

**WHEREAS**, notice has been published, mailed, and posted pursuant to the Lake Elmo Zoning Code, Section 154.109; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing about the variance on August 12, 2019; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendations with respect to the requested variance to the City Council as part of the City Staff Memorandum dated August 20, 2019; and

**WHEREAS**, the City Council considered the access variance request at its August 20, 2019 meeting; and

**NOW, THEREFORE**, based on the testimony elicited and information received, the City Council makes the following:

**FINDINGS**

- 1) That the procedures for obtaining a variance are found in the Section 154.109 of the Lake Elmo Zoning Code.
- 2) That the applicant met all the variance application and submission requirements of Section 154.109 of the Lake Elmo Zoning Code.

- 3) That the proposed variance includes the following component:
- a) That the existing driveway that provides access to the Property from Demontreville Trail be allowed to also serve as the access for the proposed chapel or place of worship on the applicant's property.
- 4) With respect to the proposed variance for the use of the existing driveway for access for the proposed chapel, the strict enforcement of the City's zoning regulations will cause practical difficulties and the Applicants propose to use the Property in a reasonable manner not permitted by an official control.

*The addition of a chapel to Carmelites site has been planned since at least 1991 when the City first approved a Master Plan for their site. The Carmelites have been using the easement with a driveway to Demontreville Trail for access to the site since that time. Adding another driveway or access to the Carmelites property would be a practical difficulty as the only public street their property has frontage on is Hidden Bay Trail to south. A new driveway would be about 1,500 feet in length, would require extensive tree removal and grading and would be an access onto a local street – not a collector or arterial street as the City Code requires for places of worship.*

*It is recognized that the existing driveway that serves the property connects to the public street and as such, its proposed use for a chapel will not be impactful on public infrastructure, thus the Applicants would be using the Property in a reasonable manner. The use of the existing driveway for access to Demontreville Trail for the addition of a chapel to their site is a reasonable use of the property and the existing access.*

- 5) With respect to the proposed variance for the use of the existing driveway for access for the chapel, the plight of the Applicants is due to circumstances unique to the Property not created by the Applicants.

*According to the applicant, the existing lot layout with the access easement to Demontreville Trail has been in place since 1904. This is a unique situation with circumstances not created by the landowner or the Applicant – the Carmelite Monks. Therefore, this criterion has been met with respect to the variance for using the existing driveway for access for the proposed chapel.*

- 6) With respect to the proposed variance for using the existing driveway for access for the proposed chapel, the proposed variance will not alter the essential character of the locality in which the Property is located.

*The proposed variance will allow the Carmelites to use the existing driveway (that currently provides access to their site) for access for the proposed chapel. By using the existing driveway that has been in place for many years, the Carmelites will not be altering the essential character of the locality (or area) in which their property is located. Therefore, the use of the existing driveway will not alter the essential character of the neighborhood and this criterion has been met.*

*Conversely, adding another driveway to their site that would have access onto a local, neighborhood street would change the character of that locality and area of the City.*

- 7) With respect to the proposed variance to allow the use of the existing driveway and easement for access for the proposed chapel, 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. Therefore, this criterion has been met.

*Conversely, as noted above, if the applicant added another driveway to access the streets to the south of their site that would increase the congestion on the local public streets near their property.*

### **CONCLUSIONS AND DECISION**

- 1) Based on the above findings that show the applicant has met all the City variance criteria with respect to the variance for having direct access to a collector or arterial street for a chapel or a place of worship, the City of Lake Elmo hereby approves the Applicants application for a variance or exception from the City standard requiring a place of worship or a chapel to have direct access to a collector or arterial street, subject to the following conditions:
- a) The Applicant shall secure any required zoning approvals, permits and plan approvals from the City and other applicable jurisdictions for the construction of the chapel and the associated site improvements;
  - b) The Applicant upgrade the driveway in the area of the proposed chapel to include the parking areas and the required storm water management systems as shown on the project plans for the chapel.

Passed and duly adopted this 20<sup>th</sup> day of August 20, 2019 by the City Council of the City of Lake Elmo, Minnesota.



\_\_\_\_\_  
Mayor Mike Pearson

ATTEST:



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Julie Johnson, City Clerk