

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

RESOLUTION NO 2019-067

A RESOLUTION DENYING A VARIANCE TO ALLOW AN ACCESSORY BUILDING TO BE TALLER THAN 22 FEET IN HEIGHT FOR THE PROPERTY LOCATED AT 9447 STILLWATER BLVD.

WHEREAS, Todd Alguire (the “Applicant”) of 9447 Stillwater Blvd, Lake Elmo MN 55042 (the “Property”) has submitted an application to the City of Lake Elmo (the “City”) for a variance(s) to allow an accessory building closer to the front lot line than the principle structure and for the accessory building to exceed 22 ft. in height (or the height of the principle structure); 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 on said variances on August 26th, 2019; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendations with respect to the requested variances to the City Council as part of the City Staff Memorandum dated September 17th, 2019; and

WHEREAS, the City Council considered the variances at its September 17th, 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 all submission requirements of Section 154.109 of the Lake Elmo Zoning Code have been met by the Applicants.
- 3) That the proposed variances include the following components:
 - a) That the proposed accessory building be located closer to the front property line than the principle structure.
 - b) The height of the accessory building to exceed the maximum allowed accessory building height of 22 ft. (or the height of the principle building) by 3 ft.
- 4) The City Council has approved a variance for the location of the proposed accessory building with Resolution 2019-066.
- 5) **The request for increased height fails to meet the variance criteria for a unique circumstance. The City defines a unique circumstance as the following;**
Unique Circumstances the plight of the landowner is due to circumstances unique to the property not created by the landowner;
 - *With respect to the proposed variance relating to the height of the structure the plight of the Applicant is not unique and has been caused by the applicant. Staff has had difficulty determining the unique circumstance that would warrant approval of the structures height. The property is not currently used for agricultural purposes, beyond personal enjoyment.*

Geographically the build site is relatively flat so there is not a conflict when measuring the height of the building.

CONCLUSIONS AND DECISION

Based on the above findings, which show that all of the variance criteria for the height of the proposed accessory building have not been met. The City Council hereby denies the requested height variance for an accessory building for the property located at 9447 Stillwater Blvd.

Passed and duly adopted this 17th day of September, 2019 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Mike Pearson

ATTEST:



Julie Johnson, City Clerk