



STAFF REPORT

DATE: 11/7/2018

REGULAR

ITEM #: 10

MOTION

TO: City Council

FROM: Ben Prchal, City Planner

AGENDA ITEM: Shoreland Variance Request to exceed the allowed impervious surface within the shoreland district as well as exceed the allowed maximum driveway width – 7962 Hill Trail.

BACKGROUND:

The City has received a variance application from Thomas and Linda Burns of 7962 Hill Trail N. to allow the construction of a driveway that would exceed the allowable width set within the code as well as exceed the allowed impervious surface limit for the shoreland overlay district.

ISSUE BEFORE THE COMMISSION:

The City Council is being asked to provide final comment and approval on the above-mentioned variance requests.

PROPOSAL DETAILS/ANALYSIS:

Applicant: Thomas and Linda Burns

Property Owners: Same as Applicant

Location: 7962 Hill Trail N. PID# 05.029.21.44.0038, Subdivision name Demontreville County Club Lot(s) 400 Subdivisioncd 37445, Washington County

Request: Variance from Shoreland Standards – Impervious surface as well as exception to maximum width of driveway standards.

Existing Land Use: Single-Family Detached Residential Dwelling

Surrounding Land Use: Surrounded by other single-family detached residential dwellings and abuts Lake Demontreville on the east property line.

Existing Zoning: Rural Single Family/Shoreland Overlay District

Comprehensive Plan: Rural Single Family

History: The current home was rebuilt in 2013/2014 after the previous structure was removed.

Deadline for Action: Application Complete – 9/21/2018
60 Day Deadline – 11/20/2018
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article V – Zoning Administration and Enforcement
Article XIX – Shoreland Management Overlay District
Article XI – Rural Districts
Article IX – General Regulations

Request Details. The applicant is proposing to expand their main driveway so that easier access onto the private drive can be created. Due to the connection of their driveway onto the private drive and then the connection from there onto the main road, it has caused difficulty for the home owner to maneuver their vehicles in and out of the drive way. Beyond the connection of the drives the transition of elevations between them has increased the difficulty as well, as stated by the applicant. Also, the home owner opted to build a split level garage to take advantage of the previously existing (lower driveway) driveway and parking pad in the rear. The current configuration is small and as the applicant has stated in their narrative, they cannot back recreational vehicles etc. into the garage without driving onto the yard.

The Applicant is seeking variances on the following items:

Structure Setbacks:

Since the variance request is not related for alterations to the structure(s) onsite there will not be a formal review of those items. The review will only consist of the impervious surface and driveway standards.

93.26 Driveway Standards

Maximum width - All driveways shall have a maximum width of 26 feet within the public right-of-way. In the absence of platted right-of-way, the setback at which point the driveway width is measured shall be established by the prescriptive easement as determined by the City Engineer. Increased driveway width in the public right-of-way up to commercial standard (34 feet) will be considered for active farms or agricultural properties.

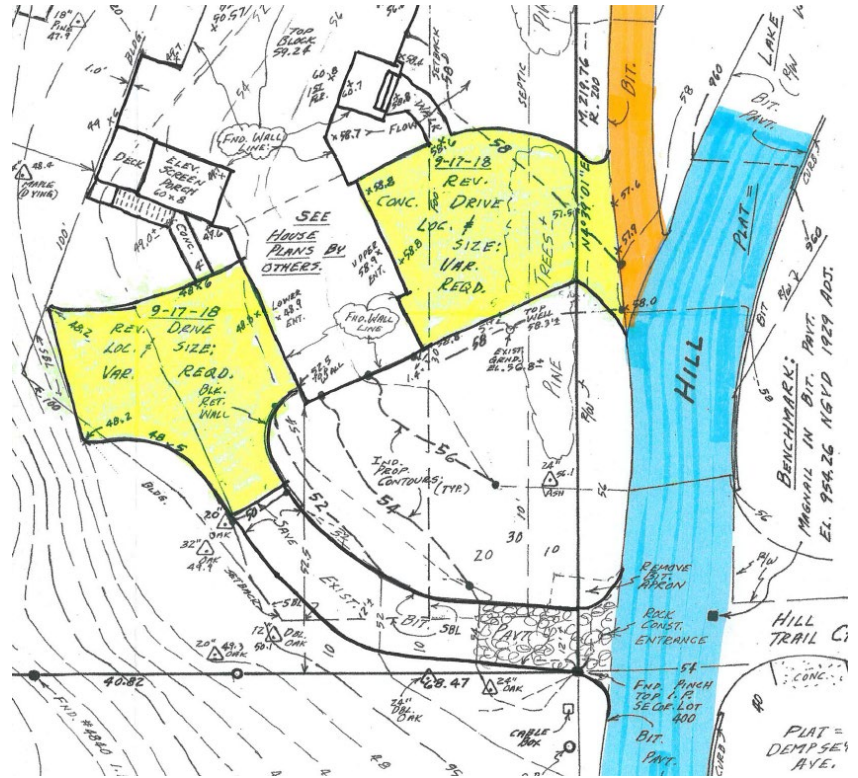
- The previously approved plans for the site allowed the applicant a main driveway width of 18ft. as well as the 12 ft. for the second smaller driveway. This also exceeds the allowed limit of 26ft. by 4 ft. The current proposal would exceed the limit by 16 ft.

Number of Curb Cuts – Up to two curb cuts may be allowed when neither access is onto a collector or arterial street, when the lots exceeds 150 ft. in width , when there is a minimum of 40 ft. spacing between the driveway curb radii, and when the total width of both driveways does not exceed 26 ft. The street would be classified as a local street. See table below for compliance with numerical figures.

- Though the driveway comes out onto a private drive the ROW technically extends the width of the front lot line (see graphics for visual). Being that this is the case the maximum width will still apply. Because of the topography of the driveway to the private drive the applicant has stated that they have had difficulty transitioning from the garage and driveway and then onto the private road (see section f. of the applicant’s narrative). Also, due to the layout of the lot the applicant states it made most sense to create a two level garage to utilize the smaller driveway that previously existed.

Impervious surface within the Shoreland: The shoreland code imposes a more restrictive standard when it comes to impervious surface. Normally a home within the Rural single Family zone would be allowed to have 25% of the property as impervious. However, being that this home falls within the shoreland district, un-sewered lots are limited to 15%. Unfortunately, the design did not allow the applicant to stay under the 15% threshold. The current proposal is requesting to exceed the allowed impervious surface limit by 1.5% or 664 sqft.

Code Location	Code Setbacks	Proposed Setbacks
Maximum Driveway Width 93.26 A. (b)	26 ft.*(combined width)	30 ft. (Main Driveway – proposing change)
		12ft. +apron(Second Driveway – no change)
Lot width 93.26 A. 1. (c)	150 ft.	219.76 ft.
Distance of Curb Radii	40 ft.	44 ft.
Impervious Surface 154.800 table 17-3	15% (Un-sewered Properties)	16.5%



Adjacent Property Variances. As far as staff is aware the City has not granted similar variances in regards to driveway widths in the area. However, there are many properties which exceed the allowed impervious surface limits in the area either by variance approval or grandfathering.

8114 Hill Trail 22.1% impervious surface

7972 Hill Trail 17% impervious surface

8130 Hill Trail – Was for septic and structure setbacks, impervious surface dropped from 27 to 25%

8056 Hill Trail 25.4% impervious (variance for setbacks, connected to City 201 system)

Department Review:

Engineering Review.

Generally the city would not want to allow an expansion beyond the established code regarding driveways. Allowing an increase in size will bring more of a cost to the City down the line compared to those that met the code as the City will often replace the driveway from the street to the edge of the ROW. Also, the new driveway should be required to drain, primarily to private yard areas, either north or south of the driveway. The extent of paved surface that drains directly to the street should be minimized since there is no existing drainage system within the street.

DNR Review: Staff has not received comments from the DNR regarding the variance request. Generally speaking they are not in favor of allowing increased impervious surface beyond the approved limits.

Planning Review:

As shown the driveway does technically fall within the City ROW which is why the variance is needed for an increased width, but instead of connecting to a public street the driveway comes out onto a private drive. After discussing the request with Public works it was stated that the City does not maintain the private

drive. Because of this staff does not feel the impact of replacing the space between the ROW to the property line would be as impactful when discussing the larger driveway. Unless the street is reconfigured there would not appear to be an increased cost to the city when the street is repaired.

The applicant states in their narrative that due to the configuration of the lot, topography, and requirements that were applied at the time they were limited to the location of where the home could be placed. Because of this, the split in the roadways have proven difficult to access and leave the driveway. Also mentioned in the narrative is the cost which would be applied to the applicant if they had to use pervious pavers to complete the driveway. Staff would like to remind the commission that financial burden is not grounds to approve a variance request.

Staff is inclined to support the request for an expanded driveway width at the ROW. However, staff does not feel that the applicant has been able to meet certain criteria for variance approval as it relates to impervious surface. Because the applicant is the one who proposed the designed for the current home the burden of limited impervious surface has been created by the applicant. For example, a reduced house foot print could have been proposed, reconfigured pathways, etc. Findings for both driveway expanded width and impervious surface are provided. After reviewing the proposal staff does not see that the proposed parking pad in the rear of the home would need variance approval. Though, variance approval may be triggered by the impervious surface that it may bring to the lot.

RECOMMENDED FINDINGS:

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with recommended findings from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

FINDINGS FOR DRIVEWAY: Staff does recognize that the expanded driveway is larger than what would normally be allowed, but because it does not directly connect to the public street it would not appear to be impactful on public infrastructure. Furthermore the current elevations, as stated in the narrative and review, have proven difficult for the applicant to access and leave the property. Because of this Staff feels this criteria is met.

FINDINGS FOR IMPERVIOUS SURFACE: Staff does recognize that it is a reasonable request to have adequately sized parking spaces/driveway surfaces that would allow property owners to achieve adequate use of their property/buildings. Given the impervious limitations, the applicant has not be able to utilize their current "parking pads" without pulling onto sections of their yard to back recreational vehicles into the lower section of the garage. Staff feels this criteria is met.

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

***FINDINGS FOR DRIVEWAY:** Because the ROW extends back further, is of a less standard design, elevations of the access, and the expanded drive does not directly connect to a public street staff is of the impression that this request fits the unique circumstances criteria. With all of these items combined the circumstances do seem to be more unique than not. Because of this staff feel this criteria is met.*

***FINDINGS FOR IMPERVIOUS SURFACE:** Staff feels that by granting an increased driveway width, impervious surface increases are expected. However, the standards for impervious surface and driveway widths are separate. As discussed in the report staff feels the width standard has grounds for approval where the impervious surface does not. The difficulty of dealing with limited impervious surface does appear to be caused by the applicant. Being that they are the ones who proposed the initial figure of the impervious surface up to the threshold, staff does feel this difficulty is caused by the applicant. Because of this staff feels this criteria is not met.*

- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

***FINDINGS FOR DRIVEWAY:** Understanding that variances provide exceptions to the code, driveways can normally be any width and reduced down at the property line. Given that the connection is to the private drive the standard of width would not be the same as if direct connection the public road was provided. Because of this exception, staff does not feel the width will negatively impact the local character. Because of this staff feel this criteria is met.*

***FINDINGS FOR IMPERVIOUS SURFACE:** Staff does not feel that the requested increase in impervious surface would be out of character for the area. There are many properties in the area that do exceed the 15% limitation. Staff feels this criteria is met.*

- 4) **Adjacent Properties and Traffic.** 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.

***FINDINGS FOR DRIVEWAY:** The proposed improvements will not alter or impair supply of light or air to adjacent properties. Staff understands that larger openings generally provide better and more direct access onto the intended roadway/drive. Staff does not feel that the expanded driveway would cause a negative impact to either light, air, or congestion. Because of this staff feel this criteria is met.*

***FINDINGS FOR IMPERVIOUS SURFACE:** Staff has been unable to determine a reason as to why the requested increase in impervious surface would have an impact on either light, air, congestion, or property values within the area. Staff feels this criteria is met.*

FISCAL IMPACT:

None

OPTIONS:

- Move to approve Resolution 2018-127 approving the variance request, subject to findings and conditions of approval as recommended by Staff. (includes approval of the driveway width not the impervious surface)
- Move to approve Resolution 2018-127 with amended findings or conditions of approval.
- Move to deny Resolution 2018-127 and the variance request.

RECOMMENDATION:

Planning Commission: There was some discussion regarding the requested variance as it relates to the impervious surface limits. The planning commission was also unable to adjust the finding so that the request could be approved. The commission recommends that Council

“Move to recommend approval of the request for an expanded driveway width, subject to conditions of approval as recommended by staff” 6-0

Staff supports the recommendation of the Planning Commission. It seems difficult to support the impervious surface difficulty of limited impervious surface as that seems to be caused by the home owner. Where the ROW, topography/elevations associated with the roadway are not. If City Council feels there are grounds to support the increase impervious surface, the finding(s) may be reworked.

Staff also recommends 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 grading of the driveway shall be required to drain, primarily to private yard areas, either north of south of the driveway. The extent of paved surface that drains directly to the street should be minimized since there is no existing drainage system within the street.
- 3) It shall be a condition of approval that all outstanding items related to City of Lake Elmo New Construction Permit 2013-00393 be completed and approved before the release of any permits associated with this variance

The suggestion motion for taking is as follows:

“Move approve Resolution 2018-127 which grants a variance for an expanded driveway width, subject to findings and conditions of approval as recommended by Staff”

ATTACHMENTS:

- Applicants narrative and survey(s)

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

RESOLUTION NO 2018-126

A RESOLUTION APPROVING A VARIANCE TO ALLOW A DRIVEWAY WITH A LARGER WIDTH THAN WHAT IS ALLOWED BY CITY CODE. AND DENYING A VARIANCE WITH RESPECT TO AN INCREASE IN IMPERVIOUS SURFACE BEYOND THE ALLOWED AMOUNT FOR THE PROPERTY LOCATED AT 7962 HILL TRAIL N.

WHEREAS, Thomas and Linda Burns (the “Applicants”) of 7962 Hill Trail N, Lake Elmo MN 55042, which is legally described as SUBDIVISIONNAME LANE'S DEMONTREVILLE COUNTRY CLUB LOT 400 SUBDIVISIONCD 37445, according to the recorded plat thereof, Washington County, Minnesota (the “Property”) have submitted an application to the City of Lake Elmo (the “City”) for a variances to allow the expansion of a driveway which exceeds the maximum allowed width of 26 feet and an increase in impervious surface for the Property beyond the allowed 15 percent for properties within the Shoreland District; and

WHEREAS, the proposed width of the upper driveway on the Property being requested by the Applicants is 30 feet and there are no adjustments to the lower driveway (south) on the Property; and

WHEREAS, the requested increase in impervious surface being requested by the Applicants for the Property is 16.5 percent; 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 October 22, 2018; 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 November 7th, 2018; and

WHEREAS, the City Council considered the variances at its November 7th, 2018 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 upper driveway on the Property be allowed to exceed the maximum allowed driveway width of 26 feet with it being a width of 30 feet.
 - b) That the impervious surface on the Property be allowed to exceed the maximum allowed

impervious surface of 15 percent by 1.5 percent (16.5 percent).

- 4) With respect to the proposed variance for the driveway width, 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. It is recognized that the expanded driveway is larger than what would normally be allowed, but because it does not directly connect to the public street but rather to a private driveway/road, it will not be impactful on public infrastructure, thus the Applicants would be using the Property in a reasonable manner.
- 5) With respect to the proposed variance for the increased amount of impervious surface, 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 Applicants' request would allow them to have adequately sized parking and driveway spaces that would allow them to achieve adequate use of their home, thus, the Applicants would be using the Property in a reasonable manner. Furthermore, the Applicants have not been able to use their current parking pads on the Property without pulling onto sections of their yard to back recreational vehicles into the lower section of the garage.
- 6) With respect to the proposed variance for the driveway width, the plight of the Applicants is due to circumstances unique to the Property not created by the Applicants. Because the City right-of-way extends back further and is of a less standard design, the change in elevations of the access to the Property, and because the expanded driveway does not directly connect to a public street, these are all circumstances that were not created by the Applicants that created their plight. Therefore, this criterion has been met with respect to the variance for the driveway width.
- 7) With respect to the proposed variance for the increased amount of impervious surface, the plight of the Applicants is due to circumstances created by the Applicants. The Applicants designed the home and the other areas of impervious surface on the Property. Therefore, the Applicants have been able to control the amount of impervious surface that is on the Property and this criterion has not been met with respect to the variance for the increased amount of impervious surface.
- 8) With respect to the proposed variance for the driveway width, the proposed variance will not alter the essential character of the locality in which the Property is located. Driveways can normally be any width provided that their widths are reduced down at the property line. Furthermore, the Applicants' proposed driveway will not be connecting to a public street but rather to a private driveway. Therefore, the wider driveway will not alter the essential character of the neighborhood and this criterion has been met.
- 9) With respect to the proposed variance for the increased amount of impervious surface, the proposed variance would not alter the essential character of the locality in which the Property is located. There are many properties in the area that do exceed the 15 percent limitation to the extent that is being requested by the Applicants. Therefore, the increased amount of impervious surface on the Property would not alter the essential character of the neighborhood.
- 10) With respect to the proposed variance for the driveway width, the proposed variance will not impair an adequate supply of light and air to property adjacent to the Property or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. Larger access points generally provide better and more direct access onto the intended driveway/roadway which would help with any congestion. There is no impact on the supply of light or air to properties adjacent to the Property. The improvement to the Property would most likely increase the Property's value which may positively impact neighboring property values. Therefore, this criterion has been met.
- 11) With respect to the proposed variance for the increased amount of impervious surface, the proposed variance will not impair an adequate supply of light and air to property adjacent to the Property or substantially increase the congestion of public streets or substantially diminish or impair property values within the neighborhood. Larger access points generally provide better

and more direct access onto the intended driveway/roadway which would help with any congestion. There is no impact on the supply of light or air to properties adjacent to the Property caused by the variance. The improvement to the Property would most likely increase the Property's value which may positively impact neighboring property values. Therefore, this criterion has been met.

CONCLUSIONS AND DECISION

- 1) Based on the above findings, which show that all of the variance criteria have been met with respect to the variance for the driveway width, the Applicants' application for a variance from the maximum driveway width requirement of 26 feet for a 30 foot wide driveway is hereby approved, subject to the following conditions:
 - a) The Applicants shall secure any required permits and plan approvals from the City and other applicable jurisdictions;
 - b) The driveway shall be graded so that it drains primarily to private yard areas that are located either north or south of the Applicants' driveway. The extent of driveway surface that drains directly to the private driveway should be minimized since there is no existing drainage system within the private driveway; and
 - c) It shall be a condition of approval that all outstanding items related to City of Lake Elmo New Construction Permit 2013-00393 be completed and approved before the release of any permits associated with this variance.
- 2) The Applicants' application for a variance from the impervious surface requirements for the driveway on the Property is hereby denied based on the finding that the Applicants cannot meet all of the variance criteria set forth in the City Zoning Code, specifically, that the plight of the Applicants is based on circumstances caused by the Applicants and not circumstances unique to the Property. Therefore, the Applicants must ensure that the total amount of impervious surface on the Property does not exceed 15 percent when constructing the driveway.

Passed and duly adopted this 7th day of November, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

7962 Hill Trail – Variance Application

Written Statements

9/19/2018

a. Current Property Owners:

Thomas and Linda Burns

b. Site Data:

Parcel Number: 05.029.21.44.0038
Property Address: 7962 HILL TRL N
LAKE ELMO, MN 55042 [MAPS](#)
Class: RESIDENTIAL
Legal Description: LOTS 400-410 & 736-746 LANES DEMONTREVILLE COUNTRY CLUB WARNING: (SUBJ TO RESOLUTION 87-32 CITY OF LAKE ELMO THAT PROHIBITS TRANSFER OF REAL ESTATE IN THE LANES DEMONTREVILLE PLAT WITH- OUT CITY APPROVAL) SUBDIVISIONNAME LANE'S DEMONTREVILLE COUNTRY CLUB LOT 400 SUBDIVISIONCD 37445

Land Information	
Square Feet	Acres
44,913	1.031
+ -	
Occupancy	Style
▼ Single-Family / Owner Occupied	1 Story Frame

c. Variance from Provisions:

ARTICLE 19. SHORELAND MANAGEMENT OVERLAY DISTRICT

§154.800 Shoreland Management Overlay District

Table 17-3: Shoreland Standards

Standards	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Maximum impervious lot coverage			
Sewered ^e		30%	
Unsewered		15%	

§ 93.26 DRIVEWAY STANDARDS.

The following regulations shall apply to all driveways and curb cuts. All driveway work shall be constructed in accordance with the approved site plan. No deviations or changes shall be made in the field without first obtaining permission from the city.

(A) *Driveway width.* All driveways shall conform to the following requirements:

(1) *Residential districts.*

(a) *Minimum width.* All driveways shall have a minimum width of 12 feet.

(b) *Maximum width.* All driveways shall have maximum width of 26 feet within the public right-of-way. In the absence of platted right-of-way, the setback at which point the driveway width is measured shall be established by the prescriptive easement as determined by the City Engineer. Increased driveway width in the public right-of-way up to commercial standard (34 feet) will be considered for active farms or agricultural properties.

d. Proposal:

We request the expansion of the 15% impervious surface limit (per 154.800 Unsewered Maximum impervious lot coverage) to 18% which will enable us to install functional / safe to navigate driveways (primary for the "upper" garage and "secondary" for lower garage). We also request the allowance of the primary driveway to flare out to 30' at the roadway to allow safe entry from Hill Trail N and safe backing onto the private driveway (used by us and the 7972 / 7978 / 7982 Hill Trail addresses) as we leave the property.

e. Pre-application Discussions with Staff:

Interaction with City Staff on this topic was done primarily with Ben Prchal starting in July 2018. After trading a few emails, we met to review the driveway project at the city office. Through numerous email exchanges after the initial meeting, we discussed various options from pervious pavers to other ways to stay below the impervious limits. Feeling like I had no other reasonable options, I requested several bids for a "pervious" paver primary driveway. After receiving bids of \$40K-60K for pervious pavers (which is significantly over our budget), we shifted the conversations to filing for a variance. Ben sent me the variance application packet and provided help in the completion of the documents.

f. Practical Difficulties:

Primary ("Upper") Driveway:

Because of the location of the "split" in the roadway between Hill Trail N and the private driveway that services our property as well as properties 7972 / 7978 / 7982 Hill Trail N, access to our driveway is challenging. In addition to the split, because Hill Trail is sloped upwards following the elevation of the hill (to the North) and the private driveway is sloped downward - there is an elevation change at that point that is too steep to drive over with standard vehicles.

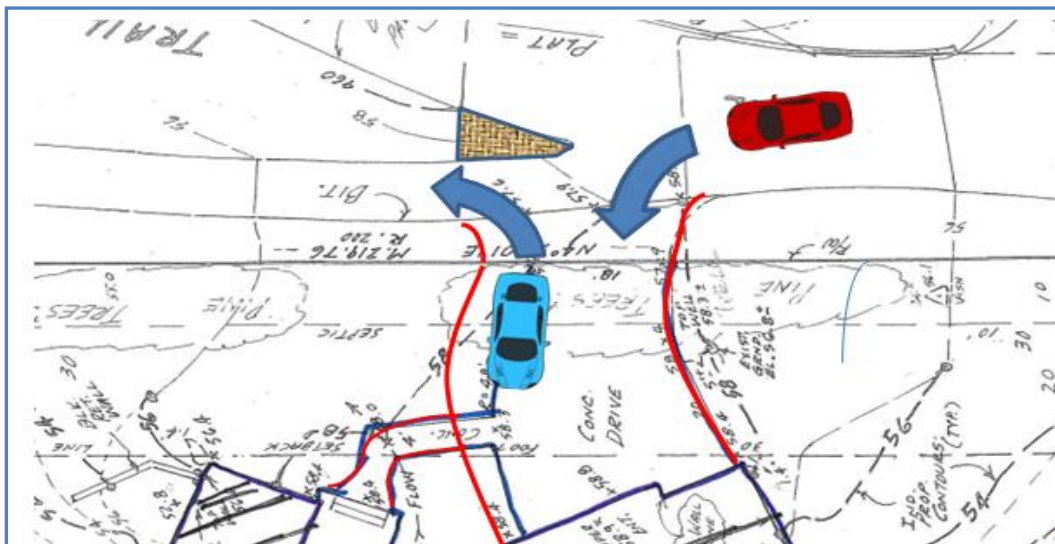
The following two pictures illustrate this issue. The first image shows the elevation change from the middle of the proposed driveway. The second image shows how Hill Trail N slopes upward while the private driveway to the neighbors slopes downward.



Primary Driveway
for 7962 Hill Trail



Because of this situation, following is a depiction of how we currently enter the driveway traveling Northbound on Hill Trail (red car) and how we back out onto the private driveway to leave the property (blue car). This approach works currently because the existing red rock (temporary) driveway is wider than the driveway width drawn on the original survey. Note: The red driveway outline is similar to the newly proposed driveway and the blue line is the outline from the original survey (partially covered by the blue car). Because Hill Trail can be busy and it is difficult to see up the hill when backing up, it is not safe to back directly onto Hill Trail (plus it would be quite a navigational feat).



The two main issues with the upper driveway that was drawn on the original survey is that it's width narrows quickly to only 18' at the lot line and because of the impervious surface limits, it is too narrow to safely navigate backing onto the private driveway. As a test, we marked off the footprint of the driveway from the original survey and tried to back a car out of the right hand garage stall and onto the private driveway. It was very difficult to crank the wheel for the driveway bend near the house without nearly hitting the right hand side of the garage door frame and we usually ended up driving off the edge of the "marked" driveway where it was reduced to only 18' at the lot line. And this was my wife and I doing these tests - who utilize the driveway every day. It will be even more of an unsafe struggle for friends / visitors who would be unfamiliar with the difficult bends in the driveway.

Also, the width of the driveway where it meets the private driveway needs to be wide enough to allow entry from Hill Trail (red card in the previous picture) making sure to clear the "split" in the road and also provide a safe way to back onto the private driveway (blue car in the previous picture). After many trial attempts we found that 30' will provide enough width to meet both of these requirements. Interestingly, the originally approved survey had a width of 30' at the street.

Secondary ("Lower") Driveway:

Because of the layout of the original lot, it made the most sense to create a two level garage with spancrete flooring on the upper level. To access the lower garage, we currently use a portion of the driveway that existed previously with the original house (that was demoed and replaced with the current structure). The lower garage is used for boat / trailer storage and the servicing of our automobiles / etc.

The main issue with the lower driveway that was drawn on the original survey is that because of the impervious size limits – it would be very difficult to back a boat / snowmobile trailer into the lower garage without the need to drive off of the driveway. It would also be difficult to pull a boat / snowmobile trailer out of the lower garage without driving off of the drawn driveway.

In addition to the issues with backing up and pulling a trailer, we would also like to use the lower driveway for guest parking and with the size and layout drawn on the survey, this would not be possible.

Increasing the size and layout of the lower driveway to the proposed 1427 sq ft would solve both of these issues and make this a functional driveway.

g. Property Circumstances:

As previously stated, the major reason for the primary driveway size issue is due to the "split" in the roadway from Hill Trail N to the "local" private driveway. Because of the building setback requirements, there was no other location for the house on this lot - which as a result placed the primary driveway right in line with the roadway split.


h. Neighborhood Character:

Since the upper and lower (temporary) driveways are currently crushed red rock, installing concrete for the upper and asphalt for the lower driveways will be an immediate improvement in the aesthetics of this property. And once the "final" driveways are installed, we will then be able to install the landscaping / trees / bushes / flowers / beds / etc which will further improve the look and value of the property.

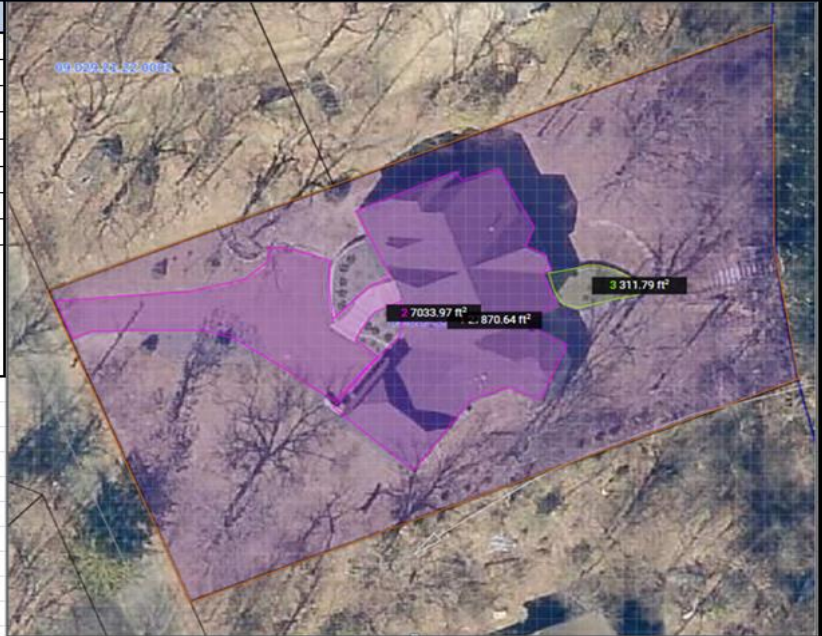
And in comparison to other "local" neighbors, several have more than 25% impervious surfaces with the largest being over 33% (see the following pictures). The average of the 7 neighboring properties that were analyzed was 23% and none of the studied properties had less than 17.5% impervious surfaces. The three included properties in this application were granted variances in the years since the 15% ordinance change was approved.

Therefore, we believe that granting an increase of 3% to 18% impervious surfaces for our property will not negatively impact the essential character of the neighborhood.


7972 Hill Trail			
Category	Sq Ft	Item	Map Area
Lot	19777	Lot	1
Impervious	5066	House / Driveway	2
Percent Impervious	25.62%		
Comments	Filed for a variance in 2012 to build garage addition and was granted an increase from 17% to 25% impervious surfaces.		



8114 Hill Trail			
Category	Sq Ft	Item	Map Area
Lot	27870	Lot	1
Impervious	7033	House / Driveway	2
	311	Patio	3
	7344	Total	
Percent Impervious	26.35%		
Comments	Received a variance to build.		



8056 Hill Trail			
Category	Sq Ft	Item	Map Area
Lot	13933	Lot	1
Impervious	4610	House / Driveway	2
Percent Impervious	33.09%		
Comments	Received a variance to enlarge the structure as well as reconfigure the driveway.		



BURNS SITE PLAN

Notes:

- Ind. iron found.
- o Ind. #13774 iron pipe in place.
- Bearing system is assumed datum.
- "M." Ind. field measured value.
- "R." Ind. record value.
- "•" Ind. Septic Tank Cover in place.
- "SBL" Ind. Setback lines. Verify with the City of Lake Elmo.

CERTIFICATE OF SURVEY

BARRETT M. STACK
STILLWATER, MINN. 55082
MINNESOTA REGISTERED
LAND SURVEYOR
Tel. No. 439-5630

SHEET 1 ONLY:
9-17-18 Revision Note:
Revised size and location of the Proposed Upper and Lower New Drive way locations and areas.
Revised Impervious Area Total.
BMS

SURVEY MADE EXCLUSIVELY FOR: Mr. Tom Burns, Property at 7962 Hill Trail No., Lake Elmo, Minnesota 55042

DESCRIPTION: Topography Survey of the Overall parcel shown and described on Sheet 2 of 3 Sheets of this survey, made a part of this survey by reference thereto.

Notes:

Contours, Lake Elevations and the BENCHMARK, shown hereon are referenced to National Geodetic Vertical Datum NGVD 1929 adjustment. Short dashed contour lines adjacent the existing house are approximate due to numerous small rock retaining walls that were not specifically mapped in conjunction with this survey. Underground or overhead, public or private utilities, on or adjacent the overall parcel, were not located in conjunction with this survey, unless shown or noted hereon. "Δ" Indicates center of tree trunk location, size and general type as noted. Tree canopies are not shown. Massed tree locations shown are approximate.

Building and Septic Setbacks: Verify with the City of Lake Elmo.

Building: Front: 30 feet: Side: 10 feet: From OHW El. 928.5: 100 feet

Septic: From OHW El. 928.5: 75 feet: Front and Side: 10 Feet.

January 31, 2013 - Site Plan Notes:

See House Plans prepared by Dale Mullenpoh & Assoc., dated 1-03-13, for specific house plans, proposed elevations and dimensions.

Prior to any construction or excavation on the overall parcel, install approved silt fencing as directed or approved by the City of Lake Elmo.

See Sheet 2 of 3 Sheets of this survey for specific overall parcel desc. and details of the described parcel boundary.

See Sheet 3 of 3 Sheets of this survey for existing site topography and improvements. Since that work was done, the frame portions of the old house and garage have been removed. The concrete floors and foundations for these old structures remain in place, but are not shown on this Sheet.

"x56.4" or "56x4" Indicate proposed spot or floor elevations, as noted. (typ.)
"56.4" Indicates existing spot or ground elevation at tree, as noted. (typ.)

Use the BENCHMARK, as noted hereon, for future elevation control.

Overall Parcel Area: (to Shoreline as located 9-7-2012)
44,179 sq. ft. or 1.0142 Acres, more or less. Permitted Impervious Surface Area is 6,627 sq. ft. (15% of overall parcel area)

Proposed Impervious Area Tabulation:

House Footprint: (incl. Elev. Screen Porch & w'ly steps)	3250 sq. ft.
Existing portion of Lower Driveway retained:	905 sq. ft.
Proposed new Lower Driveway:	(Rev.) 1427 sq. ft.
Proposed new Upper Driveway and sidewalk:	(Rev.) 1401 sq. ft.
Existing 16.1'x20.1' Elevated Shed Retained:	198 sq. ft.
Misc. Deck/sidewalk & Retaining Walls:	110 sq. ft.
Proposed Impervious Area Total	7291 sq. ft. or 16.50% of overall parcel area.

The new House location will require the removal of a total of 5 trees in the new house/driveway locations.

Extend Well Casing above the new proposed grade as required. Erect guard stakes to the well if desired.

See Septic Tests and system design by others. The Existing septic tanks shown on Sheet 3 of 3 Sheets are to be removed and possibly re-used, pending septic system design.

PROPOSED/AS-BUILT STRUCTURE ELEVATIONS: (Added 2-20-2013)

Proposed	Elev.	As-Built
Top of Fnd. Wall	959.24	Elev. _____
Garage Floor:	958.90	Elev. _____
Boat Storage Floor:	948.90	Elev. _____
Walkout Floor:	950.57	Elev. _____
Main House Floor:	960.80	Elev. _____
Lowest Floor Elev:	948.90	Elev. _____

"•" Indicates proposed Rock Const. Entrance.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Barrett M. Stack

Date: Jan. 31, 2013 Reg. No. 13774

Official copies of this map are Crimp sealed

