

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

RESOLUTION NO 2021-054

A RESOLUTION APPROVING A VARIANCE TO ALLOW THE PROPERTY IDENTIFIED AS 11075 32ND ST., TO CONSTRUCT AN ACCESSORY BUILDING CLOSER TO THE FRONT LOT LINE THAN THE PRINCIPLE STRUCTURE.

WHEREAS, Matthew and Amy Knowlan (the “Applicant”) owners of 111075 32nd St., Lake Elmo MN 55042 (the “Property”) has submitted an application to the City of Lake Elmo (the “City”) for a variance(s) to allow the construction of an accessory building which will meet all zoning requirements, except that it will be closer to the front lot line than 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 variance(s) on April 26th, 2021; 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 May 4th, 2021; and

WHEREAS, the City Council considered the variances at its May 4th, 2021 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) The construction of an accessory building which will sit closer to the front property line than the principle structure on site but will also meet all other zoning setback requirements.
- 4) **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;

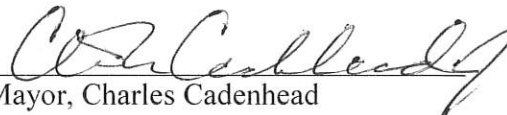
- **Variance for Accessory Building Setback:** *With respect to the proposed variance for the location of structure, strict enforcement of the City's zoning regulations will cause practical difficulties and the applicant is proposing to use the property in a reasonable manner. The request can be considered reasonable when all factors are considered as a whole. The building will meet all other setback requirements, the size of the structure conforms to the sizing requirements of Table 9-3, and the impervious surface requirements for the property will be met. Furthermore, placing the structure in a location where the front lot provision can be met will cause accessibility issues and likely force the need of a variance elsewhere on the property.*
- 5) **Unique Circumstances** the plight of the landowner is due to circumstances unique to the property not created by the landowner;
- **Variance for Accessory Building Setback:** *With respect to the proposed variance for the location of the structure, the plight is unique and has not been caused by the applicant. When taking into consideration the pie shaped property tapering towards the rear yard, the existing septic system is in the rear yard, and slopes/top of bluff in the rear yard create a scenario where there is limited space behind the home to place the building.*
- 6) **Character of Locality** the proposed variance will not alter the essential character of the locality in which the property in question is located;
- **Variance for Size of Structure:** *With respect to the proposed variance for the location of the structure, the proposed variance will not alter the essential character of the locality. In this specific area of the City it is very common to have accessory buildings/detached garages located in front of the homes. The properties addressed as 11055 32nd St, 11015 32nd St, 10997 32nd St, and 3200 Lake Elmo Ave. all have accessory buildings located in the front yard. All of these properties are within 350 ft. of 11075 32nd St. With multiple properties also having accessory buildings located within the front yard it is unreasonable to assume this accessory building will change the character of the locality.*
- 7) **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;
- **Variance for Accessory Building Setback:** *With respect to the proposed variance for the location of the structure, the proposed variance will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of the public streets or substantially diminish property values. The location of the structure would not shade the neighboring properties or structures, nor would it impair air flow.*

CONCLUSIONS AND DECISION

The City Council hereby approves the requested variance to build an accessory structure closer to the front lot line than the principle structure for the property addressed as 11075 32nd St. The conditions for approval for the variance are outlined below:

1. That the Applicant obtain all applicable permits including but not limited to a City building permit.
2. If approved this variance approval is valid for 1 year and would expire on May 4th, 2022. The City must receive a building permit for the accessory building by May 4th, 2022 to keep the approval valid.
3. The exterior materials and finishes of the accessory building must comply with City code section 154.406 D. and shall be approved by City Staff. Before the City releases the building permit.

Passed and duly adopted this 4th day of May, 2021 by the City Council of the City of Lake Elmo, Minnesota.



Mayor, Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk