

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

RESOLUTION NO 2021 – 090

A RESOLUTION APPROVING A LOT-WIDTH VARIANCE TO ALLOW THE PROPERTY IDENTIFIED AS 13.029.21.33.0019 (3100 LAKE ELMO AVENUE), TO BE SUBDIVIDED INTO TWO LOTS ONE OF WHICH WILL BE SUB-STANDARD IN WIDTH

WHEREAS, Mr. Dale Dorschner (the “Applicant”) owner of 13.029.21.33.0019 (3100 Lake Elmo Avenue.), Lake Elmo MN 55042 (the “Property”) has submitted an application to the City of Lake Elmo (the “City”) for a variance to allow the creation of a new lot with the subdivision of the Property that does not meet the minimum lot width requirement of 125 feet for residential lots in the Rural Single Family (RS zoning district; 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 July 26, 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 August 17, 2021; and

WHEREAS, the City Council considered the variance request at its August 17, 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 variance includes the following components:
 - a) That the lot identified as Parcel B of the survey for the division of the property identified as 13.029.21.33.0019 measured at 112 feet in width shall be considered as a buildable lot for the construction of a single family home.
- 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 Lot Width: *With respect to the proposed variance for the reduced width of the proposed lot (Parcel B), strict enforcement of the City's zoning regulations, it will cause practical difficulties because the applicant is proposing to use the property in a reasonable manner (single family residences). The request to use the property (Parcel B) for a single family residential dwelling unit is not an unreasonable request. The desire to have the new lot line parallel to the existing lot lines instead of an angled property line is preferred and it is believed that the variance is warranted in this respect. Furthermore, it is expected that strictly following the code to have the new lot (Parcel B) be 125 feet wide would result in a less desirable outcome than if the City approves a variance to have the new lot be 112 feet wide with a new lot line parallel to existing property lines.*

- 5) **Unique Circumstances** the plight of the landowner is due to circumstances unique to the property not created by the landowner;

Variance for Lot Width: *With respect to the proposed variance for the reduction of the minimum lot width for proposed Parcel B, the applicant did not create the current size of the property, so the applicant did not create the problem. Although the lot can be split and divided in a way that would allow both proposed lots to meet the minimum lot size and minimum frontage, such a configuration would be awkward. The City concedes the circumstance is unique in that the general objective can be achieved though it would create an unfavorable layout for the new lot line and an awkward shape for the new lot.*

- 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 Lot Width: *With respect to the proposed variance for the reduction of the lot width for proposed Parcel B, the proposed variance will not alter the essential character of the locality. A reduced lot size, width, etc. within this area of Lake Elmo is not uncommon and it is very unlikely that the reduced lot width to 112 feet will change the character of the neighborhood.*

- 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 Lot Width:** *With respect to the proposed variance for the width of the proposed lot (Parcel B), 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 proposed reduced front lot width to 112 feet would not lead to the shading of the neighboring properties or structures, nor would it impair air flow.*


CONCLUSIONS AND DECISION

- 1) The City Council hereby approves the requested variance for a reduced lot width of 13 feet for the creation of a new lot that will be 112 feet wide in RS zoning district for the property identified as 13.029.21.33.0019 located at (3100 Lake Elmo Avenue). The conditions for approval for variance approval are outlined below:

1. That the applicant obtain all applicable permits including but not limited to a City building permit.

2. The applicant update the survey to include accurate impervious surface information.
3. The applicant shall remove a northern section of the tennis court so it will be at least 10 feet from the side property line.
4. That the applicant provide the City with \$3,600 per lot for the satisfaction of park dedication (Total \$3,600)
5. If approved, the variance shall be valid for 1 year and will expire on August 17, 2022 (date set after Council approval). The applicant must record the deeds creating the new lot (Parcel B) by August 17, 2022 or the approval will automatically expire.
6. The applicant must provide the City with any drainage and utility or right-of-way easements that are deemed necessary by the City Engineer.
7. That if approved, the applicant pay the City any required SAC (\$5,485 - 2021 Fee) or WAC (\$3,000 - 2021 Fee) charges before the City issues a building permit for the new lot (Parcel B).
8. Parcel A shall maintain a minimum lot width of 125 feet.

Passed and duly adopted this 17th day of August, 2021 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk