

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

**RESOLUTION NO. 2021-091**

*A RESOLUTION APPROVING A 20 FOOT FRONT YARD SETBACK VARIANCE TO ALLOW THE PLACEMENT OF A SINGLE-FAMILY DWELLING ON PROPOSED PARCEL B OF THE SUBDIVIDED PROPERTY IDENTIFIED AS 13.029.21.33.0019 (3100 LAKE ELMO AVENUE) WITH A 30 FOOT FRONT YARD SETBACK INSTEAD OF THE REQUIRED 50 FOOT FRONT YARD SETBACK*

**WHEREAS**, Mr. Dale Dorschner (the “Applicant”), owner of the parcel identified as PID 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 20 foot front yard setback variance to allow the placement of a new single family dwelling on a new lot (Parcel B) that will be created with the subdivision of the Property because said lot will not meet the City’s minimum front yard setback requirement from Lake Elmo Avenue of 50 feet; 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 on July 26, 2021; 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 17, 2021; and

**WHEREAS**, the City Council considered the variance request at its August 17, 2021 meeting and directed City staff to draft a resolution approving the variance for its consideration; and

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

**FINDINGS**

- 1) That the procedures for obtaining a variance are found in 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 Applicant.

3) That the proposed variance includes the following components:

a) That the front yard setback for a single-family dwelling on the lot identified as "Parcel B" on the survey for the subdivision of the Property be 30 feet instead of 50 feet, thus requiring approval of a 20-foot front yard setback.

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:

*With respect to the proposed variance, strict enforcement of the City's zoning requirements will cause practical difficulties because the Applicant is proposing to use the Property in a reasonable manner (single family residence). The request to abide by the Rural Single Family zoning district setback of 30 feet is a reasonable request given that this is the applicable standard for the Property's zoning district when Shoreland District regulations do not apply. Furthermore, the Property is located within the vicinity of Lake Elmo. By putting the building pad for the home closer to Lake Elmo Avenue, it allows for the stormwater runoff from the home to drain into Lake Elmo Avenue's storm sewer instead of into the lake. This is more desirable to maintain the lake's water quality.*

5) **Unique Circumstances** the plight of the landowner is due to circumstances not created by the landowner:

*The Applicant did not create the current size of the Property, so the Applicant did not create the problem.*

6) **Character of Locality** the proposed variance will not alter the essential character of the locality in which the property in question is located:

*The proposed variance will not alter the essential character of the locality. Several of the homes in the neighborhood are set back closer to 30 feet from Lake Elmo Avenue than 50 feet.*

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:

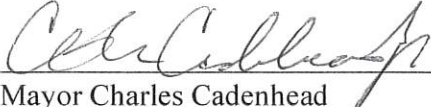
*The proposed variance will only allow for a single-family home to be constructed on the Property. The home will not impair an adequate supply of light and air given that it will be a similar structure to other single-family homes in the area with respect to height and will not block light or air. It will also not increase the congestion of the public street as it*

*will only allow for one additional single-family residence to be constructed. Finally, it will not impair property values within the neighborhood as the structure will be set back the same amount as many of the other homes in the neighborhood.*

**CONCLUSIONS AND DECISION**

- 1) Based on the above findings, the City Council hereby approves the requested variance. The front yard setback for the single-family dwelling that will be located on Parcel B of the subdivided Property shall be 30 feet instead of 50 feet. The conditions of approval of the variance are set forth below:
  - a) That the Applicant obtain all applicable permits including, but not limited to, a City building permit for the single-family dwelling.
  - b) That the variance shall be valid for one year and will expire on September 7, 2022. The Applicant must obtain the building permit for the single-family home to be constructed on the Property no later than September 7, 2022, or the variance approval will automatically expire.

Passed and duly adopted this 7<sup>th</sup> day of September, 2021 by the City Council of the City of Lake Elmo, Minnesota.

  
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Mayor Charles Cadenhead

ATTEST:

  
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Julie Johnson, City Clerk