

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

RESOLUTION NO. 2021-097

A RESOLUTION APPROVING A 50 FOOT SETBACK VARIANCE TO ALLOW THE PLACEMENT OF A SINGLE-FAMILY DWELLING WITH A 50 FOOT SETBACK FROM THE ORDINARY HIGH WATER LEVEL RATHER THAN A 100 FOOT SETBACK AND A 4.12% VARIANCE TO ALLOW AN IMPERVIOUS SURFACE OF 19.12% RATHER THAN THE ALLOWED 15% ON THE PROPERTY IDENTIFIED AS 05.029.21.44.0041 (7982 HILL TRAIL NORTH)

WHEREAS, Mr. Norman Purrington (the “Applicant”), owner of the parcel identified as PID 05.029.21.44.0041 (7982 Hill Trail North), Lake Elmo, MN 55042 (the “Property”) has submitted an application to the City of Lake Elmo (the “City”) for variances to allow the construction of additions to an existing single family home that will be located closer to the Ordinary High Water Level (OHWL) and will exceed the maximum permitted impervious surface; 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 August 23, 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 September 7, 2021; and

WHEREAS, the City Council considered the variance request at its September 7, 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) The proposed improvements include a 508 square foot addition to the rear of the house, a 736 square foot garage addition to the front of the house, a 1513 square foot patio at the front of the house, and a new driveway. The proposed addition will be located 59.5 feet from the OHWL, and impervious surface will be 19.12 percent, thus requiring approval of a variance. All other zoning ordinance requirements have been met.

- 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:

The use of the property for a residential dwelling is a reasonable use. The existing house and buildings on this site are already closer to the OHWL than permitted by the ordinance. The applicant is utilizing the existing footprint of the house as much as possible, to avoid additional grading on the site. The new additions are set further away from the OHWL than the existing structure. The applicant is planning to remove some of the existing driveways, but the building additions and a new patio will increase the amount of impervious surface on the lot. Hill Trail North dead-ends to the southwest of this site. The applicant has noted the removal of additional bituminous surface will cause difficulties for emergency vehicles and parking.

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

The applicant is attempting to utilize the existing footprint of the structures on the site as much as possible. These structures were placed on the site in 1964, prior to the current ordinance requirements. This is a unique situation with circumstances not created by the current landowner.

- 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 allow the continued use of the property as a single family dwelling. By using the existing footprint, the applicant is attempting to minimize grading on the site. The proposed additions will not alter the essential character of the locality (or area) in which their property is located.

- 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

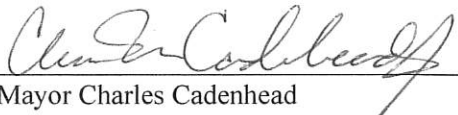
increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood:

The proposed variance will allow modifications to the existing dwelling. This will not impair an adequate supply of light and air to properties adjacent to the subject property, increase congestion of public streets or substantially diminish or impair property values within the neighborhood. The changes will not result in additional traffic.

CONCLUSIONS AND DECISION


- 1) Based on the above findings, the City Council hereby approves the requested variances. 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.
 - c) The proposed site work activities shall be done in accordance with the city's shoreline management ordinance to minimize exposed soils, prevent erosion and trap sediment during construction, and to create and maintain stabilized slopes.
 - d) Grading work appears to be minimized for the improvements being proposed, however it appears that both the pre-existing condition and proposed grading allows runoff to be directed toward the adjacent property at 7978 Hill Trail. The grading must be done in a manner that does not increase runoff intensity or volume to the adjacent property.
 - e) Consideration should be made to require stormwater management mitigation for the additional impervious surfaces, such as the use of a rain garden(s).

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



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk