

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

RESOLUTION NO. 2022-040

***A RESOLUTION APPROVING THE REQUEST FROM CASSANDRA BANNA FOR A 6-
FOOT SIDE YARD SETBACK VARIANCE FOR THE PROPERTY LOCATED AT 9404
LAKE JANE TRAIL N***

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Cassandra Banna (the “Applicant”), owner of the property located at 9404 Lake Jane Trail N – Parcel 10.029.21.24.0014, Lake Elmo, MN 55042 (the “Property”) has submitted an application to the City of Lake Elmo (the “City”) for a 6-foot side yard setback variance; and

WHEREAS, notice has been published, mailed, and posted pursuant to the Lake Elmo Zoning Code, Section 103.00.120; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on March 28, 2022; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated April 19, 2022; and

WHEREAS, the City Council considered said matter at its April 19, 2022 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

- 1) That the procedures for obtaining a variance are found in Section 103.00.120 of the Lake Elmo Zoning Code.
- 2) That all submission requirements of Section 103.00.120 of the Lake Elmo Zoning Code have been met by the Applicant.
- 3) That the proposed variance includes the following components:

a) The variance would decrease the required 10-foot side yard setback (required by Section 105.12.630 of the Lake Elmo City Code) by 6 feet to facilitate the construction of a garage addition in front of the existing single-family dwelling.

- 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:

To follow the existing line of the dwelling and the driveway, the proposed garage will need to enter the required 10-foot side yard setback. This is because the existing dwelling is angled farther to the south than the side yard property lines. According to the applicant, the proposed location of the garage is necessary because it allows for direct access from the existing home to the proposed garage while maintaining the existing building lines.

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

The existing home was built at different angle than the side yard property lines. For this reason, adding an addition to the front of the house at the same angle as the existing structure causes it to enter the required 10-foot side yard setback. The currently property owners purchased the house is 2019, 43 years after it was constructed.

- 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 build will not alter the character of the house or neighborhood because the materials used will match the current materials already in the house. The new garage will not change any sightlines, as the roof lines will be no higher than the existing house. The proposed garage will not increase the impervious surface percentage as it is being built in the location of the existing driveway.

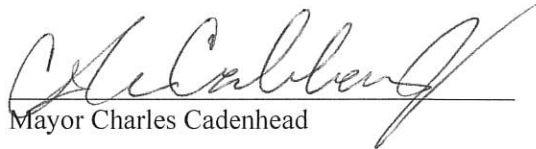
- 7) **Adjacent Properties and Traffic** the proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood:

The proposed variance does not impair adjacent properties. There are no properties within 10 feet of the proposed garage extension. The property adjacent to the requested side yard setback variance is an easement with a width too small to build a dwelling. The owners of this property are in support of the variance request. A letter from the property owners is included as Attachment 7.

DECISION

NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby approves the request by Cassandra Banna for a 6-foot side yard setback variance for the property located at 9404 Lake Jane Trail N.

Passed and duly adopted this 19th day of April, 2022 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk