

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

RESOLUTION NO. 2022-052

***A RESOLUTION APPROVING THE REQUEST FROM BILL AND VALERIE BRASS FOR
A VARIANCE TO PAVE A SECOND CURB CUT (DRIVEWAY) ON THE PROPERTY
LOCATED AT 8930 JANE ROAD N***

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

WHEREAS, Bill and Valerie Brass (the “Applicants”), owners of the property located at 8930 Jane Road N – Parcel 09.029.21.11.0016, Lake Elmo, MN 55042 (the “Property”) have submitted an application to the City of Lake Elmo (the “City”) for a variance request to construct a second curb cut (driveway); 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 property would include two curb cuts (driveway) connecting to Jane Road N. Section 9.16.090 of the Lake Elmo City Code limits the number of curb cuts to one per

dwelling unit in residential districts. Up to two curb cuts may be allowed when neither access is onto a collector or arterial street, when there is a minimum of 40 feet of spacing between driveway curb radii, and when the total width of both driveways does not exceed 26 feet. Because the proposed driveway is 24 feet across and the existing driveway is 22.6 feet across, the applicant is asking for a variance to finish paving the newly constructed driveway by adding a second curb cut on the property.

- 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 applicant is unable to connect the newly constructed driveway from the garage addition to the existing driveway due to the topography of the parcel. A hill and retaining wall currently separate the two driveways (see attached photos for reference). The applicant chose to construct the garage addition on the east side of the property, downhill from the existing driveway, due to the presence of mature pine trees on the west side of the property. To construct the garage on the west side of the property, where the applicant would have been able to connect the newly constructed driveway to the existing driveway using one curb cut, the applicant would have needed to remove natural stone retaining walls and relocated the current electrical service on the property. Without the addition of the second curb cut at the end of the newly constructed driveway, the property owners would run into issues with rocks and mud, especially during periods of rain and snow melt.

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

The subject property is located on a hill, putting the east side of the property downhill from the west side. This topography prevents the applicant from connecting the newly constructed driveway to the existing driveway at a single curb cut entrance point. The garage addition was constructed downhill from the main dwelling, on the east side of the property, due to the location of natural stone retaining walls, mature pine trees, and electrical equipment on the west side of the property.

- 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 second curb cut connecting to the newly constructed driveway will not alter the character of the surrounding neighborhood. The driveway is already constructed, and the applicant is now requesting a variance to pave a second curb cut at the end of the 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

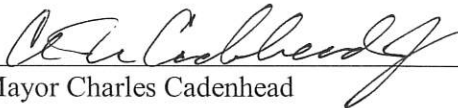
increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood:

The proposed variance does not impair adjacent properties. The second curb cut will be located approximately 80 feet from east property line. In general, the Engineering Department of Lake Elmo discourages multiple driveway access points in residential neighborhoods. Additional curb cuts result in higher city reconstruction and maintenance costs and create more conflict points between vehicles.

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 Bill and Valerie Brass for a variance request to pave a second curb cut (driveway) on the property located at 8930 Jane Road 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