

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

RESOLUTION NO. 2022-056

A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FROM KYLE AND MORGAN TRAYNOR FOR A VARIANCE TO ALLOW AN IMPERVIOUS SURFACE COVERAGE OF 19% ON THE PROPERTY LOCATED AT 4622 LILAC LANE N

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

WHEREAS, Kyle and Morgan Traynor (the “Applicants”), owners of the property located at 4622 Lilac Lane N – Parcel 07.029.20.23.0011, Lake Elmo, MN 55042 (the “Property”) have submitted an application to the City of Lake Elmo (the “City”) for a variance request to allow an impervious surface coverage of 19% where a maximum of 15% is allowed; 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 May 9, 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 June 7, 2022; and

WHEREAS, the City Council considered said matter at its June 7, 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 105.12.320 of the Lake Elmo Zoning Code.
- 2) That all submission requirements of Section 105.12.320 and 105.12.1260 of the Lake Elmo Zoning Code have been met by the Applicant.
- 3) That the proposed variance includes the following components:

- a) The applicants propose to construct a 12-foot by 14-foot two story addition onto the existing single family home. To construct the addition, an area of existing pavers and a deck will be removed. The proposed addition and the removal of pavers will reduce the total impervious surface coverage from 19.2% to 19%. As per Table 17-3 of Section 105.12.1260 of the Lake Elmo City Code, the maximum impervious surface coverage for an unsewered lot in a Shoreland Management District is 15%.
- 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 proposed addition is for continued residential use purposes. Strict enforcement of the municipal code would not allow for any future expansion. The applicants have agreed to remove a south facing paver patio in order to reduce the total impervious surface coverage. The applicant feels that the rest of the existing coverage (driveway and house footprint) is minimal and further removal not necessary, as the total impervious surface coverage will be reduced from 19.2% to 19.0% with the south patio removal and construction of proposed addition.

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

The original home owner built the residence in 2000. All current impervious surfaces were created under previous ownership. The applicants purchased the property in 2016 and have not added any impervious surfaces, but rather have simply maintained the existing structures.

- 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 addition will not alter the essential character of the existing home or neighborhood. Both color and building materials for the proposed addition will match the existing home exterior. The proposed addition will meet structure height requirements and setbacks to all property lines.

- 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 proposed addition will not face a public street and is screened from adjacent properties by existing vegetation.

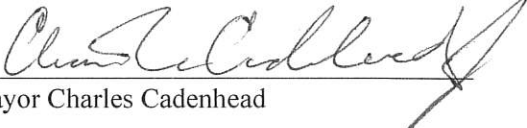
Other homes within the subdivision have comparable extensions of the home to what is proposed.

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 with conditions by Kyle and Morgan Traynor for a variance request to allow an impervious surface coverage of 19% on the property located at 4622 Lilac Lane N. The conditions for approval are outlined below:

1. The applicant may not exceed to proposed 19% impervious surface coverage unless receiving approval from the City of Lake Elmo.
2. This variance shall expire if the work does not commence within 12 months of the date of granting the variance.

Passed and duly adopted this 7th day of June, 2022 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk