

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

RESOLUTION NO. 2022-064

A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FROM ZAWADSKI HOMES ON BEHALF OF DANIEL AND ANNE STOUTT FOR A VARIANCE TO ALLOW AN IMPERVIOUS SURFACE COVERAGE OF 19.1% ON THE PROPERTY LOCATED AT 8012 HILL 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, Zawadski Homes (the “Applicant”) on behalf of Daniel and Anne Stoutt, owners of the property located at 8012 Hill Trail N – Parcel 04.029.33.0044, 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 19.1% 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 21, 2022; and

WHEREAS, the City Council considered said matter at its June 21, 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 expand the living space within the existing single family home, add a detached garage, and add a porch. The expansions are proposed on the east side of the home and a paved portion of the driveway will be removed in front of the existing detached garage along with a paved area to the east of the garage. The proposed expansion will increase the impervious surface coverage from 17.2% to 19.1%.
 - b) 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%.
 - c) The applicant proposes a storm water management plan to infiltrate a portion of the newly constructed impervious surfaces.
- 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:

Strict enforcement of the municipal code denies the applicant the use of a functional garage and adequate living space for a growing family. According to the applicant, the existing tuck under garage was built so that only compact cars fit inside. The inability to park vehicles inside creates parking problems for the owners and guests. Additionally, there is currently an inadequate amount of bedrooms for a family of six. The current home has a total of 3 bedrooms. This arrangement will not be practical in the near future.

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

The previous owners of the property chose the existing home location and constructed the existing home and tuck under. The applicant has explored other alternatives such as expanding the existing garage to lessen the total impervious coverage. Expansion of the existing garage is not practical due to its proximity to the west property line and the living space above located above.

- 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 additions would not alter the essential character of the neighborhood. The general style of the addition would be consistent with the existing principal structure. The applicant proposes to use natural colors and preserve as many trees as possible to maintain the wooded character of the neighborhood. Several surrounding properties consist of principal structures with larger footprints, consistent with what is being proposed. All required Shoreland District setbacks and property line setbacks would be met with this proposal.

- 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:

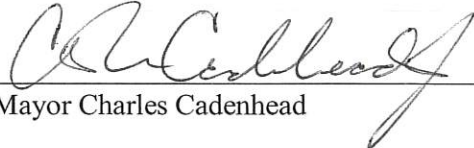
The proposed variance does not impair adjacent properties. The closest point of the proposed addition would be approximately 40 feet from the neighboring home to the east. The subject property is heavily wooded which provides natural screening from the public street and neighboring properties. The proposal would not increase the congestion of the public street or diminish property values.

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 Zawadski Homes on behalf of Daniel and Anne Stoudt for a variance request to allow an impervious surface coverage of 19.1% on the property located at 8012 Hill Trail N. The conditions for approval are outlined below:


1. The applicant may not exceed the proposed 19.1% impervious surface coverage unless receiving approval from the City of Lake Elmo.
2. If approved this variance shall expire if the work does not commence within 12 months of the date of granting the variance.
3. Storm water shall not be directed towards the sanitary system or neighboring properties.
4. During construction, silt fencing and other environmental measures shall be taken to preserve and protect the lake and surrounding vegetation.
5. Building materials used must be similar in color to the existing principal structure.

Passed and duly adopted this 21st day of June, 2022 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk