

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

RESOLUTION NO. 2022-077

***A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FROM AL
WOOLHOUSE ON BEHALF OF BRENDA LECUYER FOR A VARIANCE TO REDUCE
THE SIDE YARD SETBACK TO 5 FEET WHERE A MINIMUM OF 15 FEET IS
REQUIRED AT 1567 IVORY AVENUE N.***

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

WHEREAS, Al Woolhouse (the “Applicant”) on behalf of Brenda LeCuyer, owners of the property located at 1567 Ivory Ave N – Parcel 28.029.21.13.0015, Lake Elmo, MN 55042 (the “Property”) have submitted an application to the City of Lake Elmo (the “City”) for a variance request to reduce the side yard setback to 5 feet where a minimum of 15 feet is required; 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 June 13, 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 July 19, 2022; and

WHEREAS, the City Council considered said matter at its July 19, 2022 meeting and directed City staff to draft a resolution approving the variance with conditions 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 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 24-foot by 40-foot detached garage within the required 15-foot side yard setback.
 - b) The required side yard setback for Open Space PUD Zoning is 15-feet or ten percent of the lot area as per Section 105.12.1050(6)b.1.v.
 - c) The proposed garage would be placed at the end of an existing driveway and about a 5-foot drainage and utility easement located along the south property line.
- 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:

Meeting the required 15 foot setback would result in an obstruction in front of the proposed garage door due to the existing well location. The applicant is aware that the city water main is being extended into the neighborhood in the future, which would allow the applicant to connect to city water and abandoned the well, but also understands that it would not be required to connect. City Council feels the applicant should have the choice to connect to city water or remain on a private well. At this point in time, the city water main has not been extended into the neighborhood and the well location is a practical difficulty that would prohibit the access of the proposed garage door.

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

The existing well location was not determined by the current property owners. The well location is prohibiting the property owner from placing the proposed garage in a compliant location where it can be accessed by the existing driveway.

- 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 garage location would not alter the essential character of the surrounding area. The garage would be located in the rear yard. The structure would be screened from the neighboring homes to the northeast and southeast by existing trees. The other neighboring home to the southwest would be approximately 113 feet from the proposed garage.

- 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 garage is screened from 2 out of 3 adjacent properties by existing vegetation. The building location would also be screened from Ivory Ave due to existing trees at the driveway entrance and the existing home location. Approval of the variance would not result in increased public street congestion or diminished 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 from Al Woolhouse on behalf of Brenda LeCuyer for a variance request to reduce the side yard setback to 5 feet where a minimum of 15 feet is required. Approval of the request is subject to the following conditions.

1. Building materials must be aesthetically similar to the existing home.
2. All stormwater runoff from the proposed garage shall be contained on the applicant's property. Stormwater shall not be directed onto adjacent properties.
3. This approval is only for a reduced setback from the south property line.
4. The proposed garage shall not be connected running water.
5. This variance shall expire if the work does not commence within 12 months of the date of approval.

Passed and duly adopted this 3rd day of August, 2022 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk