

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

RESOLUTION NO. 2023-026

***A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FOR A VARIANCE
TO ALLOW REDUCED SIDE AND FRONT YARD SETBACKS ON THE PROPERTY
LOCATED AT 2621 INNSDALE AVENUE NORTH***

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

WHEREAS, Bryant Olson (the “Applicants”), owner of the property located at 2621 Innsdale Ave N PID# 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 allow an reduced front and side yard setbacks; 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 13th 2023; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation of approval to the City Council as part of a Staff Memorandum dated April 4th 2023; and

WHEREAS, the City Council considered said matter at its April 4th 2023 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 proposes to construct a home addition of the sides and front of the existing home. The home is a legal nonconformity as it does not meet required setbacks.

Due to the location of the septic system an addition cannot be added to the rear of the home.

- 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 code would create the inability for any proposed addition to the home. Due to the narrow and long lot layout the front and sides of the home are already encroaching setback requirements while the septic system restricts an addition to the rear of the home.

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

The property owner is not responsible for the lot layout nor the existing legal nonconformity of the building encroachment into setbacks. The home was built in 1987. The current owner purchased the home in 2019.

- 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 request should not alter the character of the neighborhood. The proposed residential addition fits architecture and use of surrounding homes. The home is to remain a single family unit.

- 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 request should have no negative effect on light and air to adjacent properties the home would not encroach easements and would remain a fair distance from neighboring dwelling units. Property values should not be diminished from the request. The request should not increase congestion in the public street.

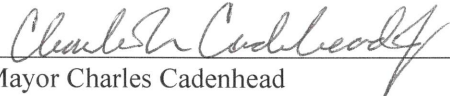
DECISION

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 for a variance request to allow reduced front and side yard setbacks on the property located at 2621 Innsdale Ave N. The conditions for approval are outlined below:

1. A building permit must be issued prior to construction.
2. Building materials must be aesthetically similar to the existing home.
3. All stormwater runoff from the proposed addition shall be contained on the applicant's property. Stormwater shall not be directed onto adjacent properties.

4. This variance approval is only for reduced front and side yard setbacks.
5. If approved, 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 4th day of April, 2023 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk