



STAFF REPORT

DATE: 08/3/2022

REGULAR

TO: City Council
FROM: Ben Hetzel, Lake Elmo City Planner
AGENDA ITEM: Side Yard Setback Variance Request at 1567 Ivory Ave N
REVIEWED BY: Molly Just, Planning Director

INTRODUCTION:

The variance request is for a side yard setback reduction to 5 feet where a minimum of 15 feet is required to construct a detached garage. The request went before the City Council at the July 19, 2022 meeting. City staff had recommended denial of the request from Al Woolhouse on behalf of Brenda Lecuyer for not meeting all required findings of LEC 105.12.230 and MN Stat. 462.357. City Council ruled in favor of the applicant and directed staff to draft a new resolution of approval citing specific findings to bring forward at the August 3, 2022 City Council meeting.

ISSUE BEFORE THE CITY COUNCIL:

Does City Council want to approve Resolution 2022-070?

VARIANCE REQUEST DETAILS/ANALYSIS:

Address: 1567 Ivory Ave N
PID: 28.029.21.13.0015
Existing Zoning: Rural Single Family, Open Space PUD, Valley Branch Watershed District
Surrounding Zoning: North, South, & East: Open Space PUD
West: Public Facilities
Deadline for Action: Application Complete – 5/31/2022
60 Day Deadline – 7/31/2022
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article V - Zoning Administration and Enforcement
Article XVII – Open Space Planned Unit Developments

Reason for Request: The applicant proposes to construct a 24-foot by 40-foot detached garage within the required 15-foot side yard setback. 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.

REVIEW AND ANALYSIS/DRAFT FINDINGS:

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 set forth by the MN Stat. 462.357 subd.6 before the City may grant an exception or modification to city code requirements. These criteria are listed

below, along with comments from Staff about the applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "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.

FINDINGS:

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.

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

FINDINGS:

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.

- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

FINDINGS:

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.

- 4) **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.

FINDINGS:

The proposed variance does not impair adjacent properties. The proposed addition will not face a public street and 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.

FISCAL IMPACT:

None

RECOMMENDED CONDITIONS OF APPROVAL

1. Building materials used 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 variance approval is only for a reduced setback from the south property line.
4. If approved this variance shall expire if the work does not commence within 12 months of the date of granting the variance.

OPTIONS:

The City Council may:

- Approve Resolution 2022-070.
- Amend the findings of Resolution 2022-070.

RECOMMENDATION:

Staff recommends that City Council approve Resolution 2022-070 to allow Al Woolhouse on behalf of Brenda LeCuyer to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.

“Move to approve Resolution No. 2022-070, approving the request with conditions from Al Woolhouse on behalf of the property owner 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.”

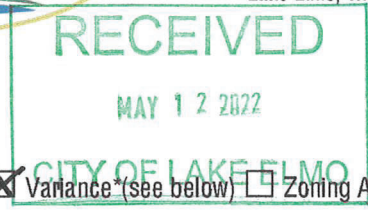
ATTACHMENTS:

- 1) Resolution 2022-070
- 2) Application
- 3) Survey

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042



LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance (see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan Wireless Communications

Applicant: AL WOOLHOUSE
Address: 13414 182nd AVE NW ELK RIVER, MN 55350
Phone #: 763-202-9060
Email Address: ALWOOLHOUSE4151@gmail.com

Fee Owner: BRENDA LECUYER
Address: 1567 JUDDY AVE N LAKE ELMO, MN 55042
Phone #: 651-230-6440
Email Address: BRENLECUYER@gmail.com

Property Location (Address): 1567 JUDDY AVE N. LAKE ELMO, MN
(Complete (long) Legal Description): LOT 8 block 2, PARKVIEW ESTATES

PID#: 28.029.21.13.0015

Detailed Reason for Request: WE ARE REQUESTING TO PLACE A PROPOSED GARAGE ON THE 5' EASEMENT INSTEAD OF 15' SIDE SET BACK IN ORDER TO AVOID EXISTING WELL ON PROPERTY WHICH WOULD BE IN THE WAY OF GARAGE ENTRANCE.

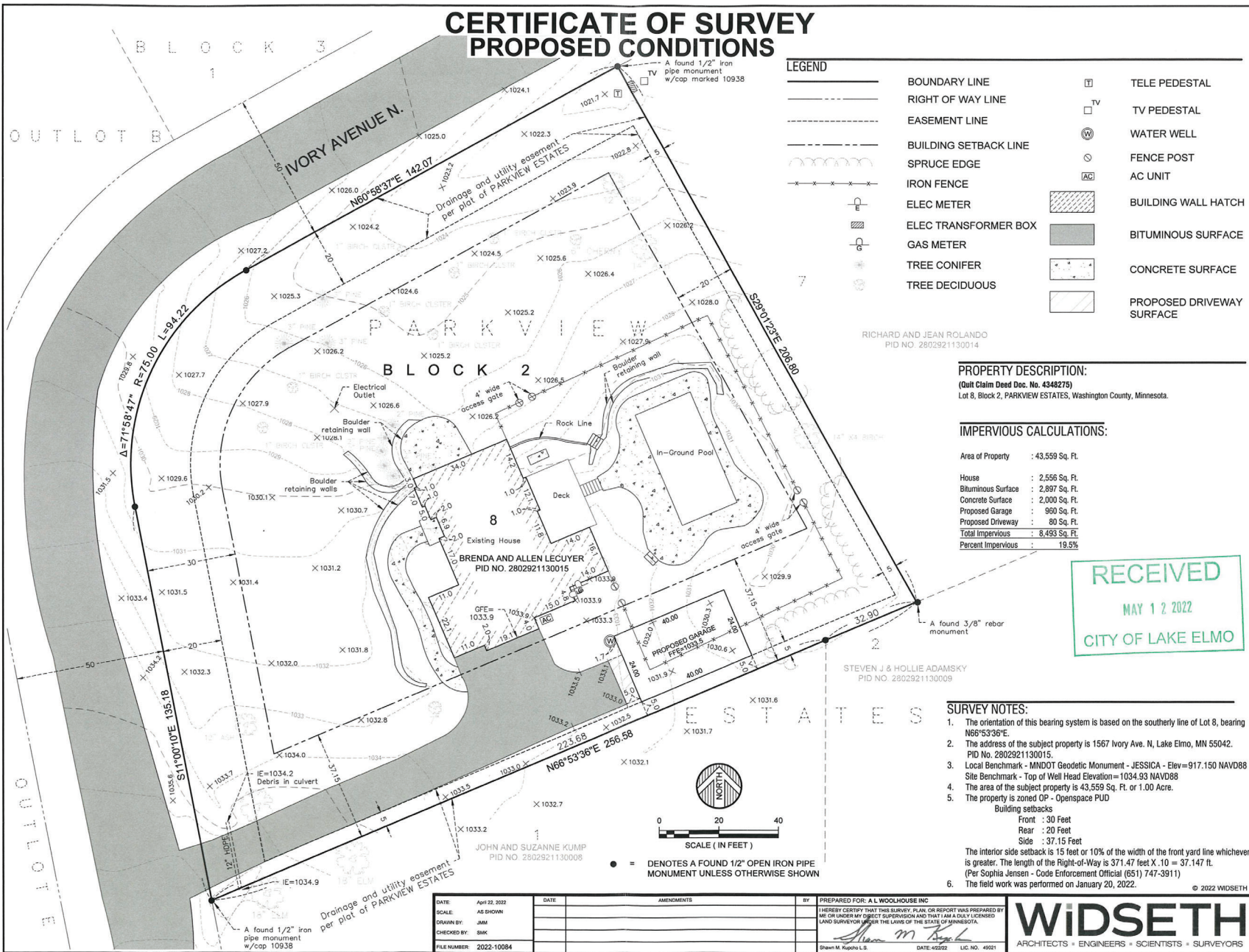
*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:
THE EXISTING WELL IS LOCATED WHERE THE CITY WOULD LIKE THE GARAGE TO BE PLACED AT THE 15' SIDE SET BACK BUT THE WELL (4" ACTIVE WELL) WOULD BE IN THE PATH OF THE OVER HEAD GARAGE DOOR (DRAWINGS PROVIDED)

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Al Woolhouse Date: _____

Signature of fee owner: Ble Date: 5/12/22

CERTIFICATE OF SURVEY PROPOSED CONDITIONS



LEGEND			
	BOUNDARY LINE		TELE PEDESTAL
	RIGHT OF WAY LINE		TV PEDESTAL
	EASEMENT LINE		WATER WELL
	BUILDING SETBACK LINE		FENCE POST
	SPRUCE EDGE		AC UNIT
	IRON FENCE		BUILDING WALL HATCH
	ELEC METER		BITUMINOUS SURFACE
	ELEC TRANSFORMER BOX		CONCRETE SURFACE
	GAS METER		PROPOSED DRIVEWAY SURFACE
	TREE CONIFER		
	TREE DECIDUOUS		

RICHARD AND JEAN ROLANDO
PID NO. 2802921130014

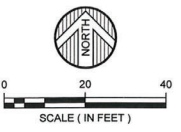
PROPERTY DESCRIPTION:
(Quit Claim Deed Doc. No. 4348275)
Lot 8, Block 2, PARKVIEW ESTATES, Washington County, Minnesota.

IMPERVIOUS CALCULATIONS:

Area of Property	: 43,559 Sq. Ft.
House	: 2,556 Sq. Ft.
Bituminous Surface	: 2,897 Sq. Ft.
Concrete Surface	: 2,000 Sq. Ft.
Proposed Garage	: 960 Sq. Ft.
Proposed Driveway	: 80 Sq. Ft.
Total Impervious	: 8,493 Sq. Ft.
Percent Impervious	: 19.5%



STEVEN J & HOLLIE ADAMSKY
PID NO. 2802921130009



- SURVEY NOTES:**
- The orientation of this bearing system is based on the southerly line of Lot 8, bearing N66°53'36"E.
 - The address of the subject property is 1567 Ivory Ave. N, Lake Elmo, MN 55042. PID No. 2802921130015.
 - Local Benchmark - MNDOT Geodetic Monument - JESSICA - Elev=917.150 NAVD88 Site Benchmark - Top of Well Head Elevation=1034.93 NAVD88
 - The area of the subject property is 43,559 Sq. Ft. or 1.00 Acre.
 - The property is zoned OP - Openspace PUD
 - Building setbacks
 - Front : 30 Feet
 - Rear : 20 Feet
 - Side : 37.15 Feet
- The interior side setback is 15 feet or 10% of the width of the front yard line whichever is greater. The length of the Right-of-Way is 371.47 feet X .10 = 37.147 ft. (Per Sophia Jensen - Code Enforcement Official (651) 747-3911)
6. The field work was performed on January 20, 2022.

DATE	SCALE	DRAWN BY	CHECKED BY	FILE NUMBER	DATE	AMENDMENTS	BY	PREPARED FOR:
April 22, 2022	AS SHOWN	JAM	SMK	2022-10084				A. L. WOOLHOUSE, INC.

WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

**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