



## **STAFF REPORT**

DATE: 4/4/2023

**REGULAR  
MOTION**

**TO:** City Council  
**FROM:** Sophia Jensen, City Planner  
**AGENDA ITEM:** 2621 Innsdale Ave – Front and Side Yard Setback Variance

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### **INTRODUCTION:**

Bryant Olson (Applicant and Owner) recently submitted a variance application for a home addition that would further encroach required side and front yard setbacks of the Residential Estate (RE) zoning district on the property located at 2621 Innsdale Ave N, Parcel Identification No. 21.029.21.24.0006 (Subject Property).

### **ISSUE BEFORE THE CITY COUNCIL:**

The City Council is being asked to make a determination on the variance request.

### **VARIANCE REQUEST DETAILS/ANALYSIS:**

*Address:* 2621 Innsdale Ave N  
*PID:* 21.029.21.24.0006  
*Lot Area:* 1.5 acres  
*Existing Zoning:* Residential Estate (RE), Valley Branch Watershed District  
*Surrounding Zoning:* Residential Estate to the North, South, and West;  
Lake Elmo Park Reserve to the East  
*Deadline for Action:* Application Complete – 1/19/2022  
60 Day Deadline – 3/20/2023  
Extension Letter Mailed – 3/16/2023  
120 Day Deadline – 5/19/2023  
*Applicable Regulations:* Article XI Rural Districts  
Article V Zoning Administration and Enforcement

### **REASON FOR REQUEST**

The existing home was built in 1987 and is a legal nonconformity because does not meet the current front or side yard setback requirements. Below is a table of the Residential Estate Setbacks (LEC 105.12.630), the existing home setbacks, and the proposed setbacks:

	<b>Residential Estate Zoning</b>	<b>Existing Home Setbacks</b>	<b>Proposed Addition Setbacks</b>
<b>Front Yard</b>	100	~ 61.25ft	57.25ft
<b>Interior Side Yard</b>	50	~ 57ft and 47ft	40.2ft and 20.3ft
<b>Rear Yard</b>	100	~ 320ft	No Change

**CITY AGENCY REVIEW:**

This request was distributed to the City Engineer and Fire Department on February 1<sup>st</sup> 2023.

**Fire Department Email Dated 2/7/2023:**

- Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background. Addresses may be required to be posted adjacent to driveways or other access ways.

**City Engineer Email Dated 2/3/2023:**

- There does not appear to be any infrastructure (watermain/storm sewer) located along the side lot lines.
- Any approvals should be conditioned on the improvements not altering drainage patterns that impact neighboring properties.

**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:** 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 any addition to the rear of the home.*

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

***FINDINGS:** 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.*

- 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 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.*

- 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 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.*

**PUBLIC COMMENT:**

A hearing notice was sent to surrounding properties on March 1<sup>st</sup> 2023. A hearing notice was published in the local newspaper on March 3<sup>rd</sup> 2023. Staff has not received any public comment at this time.

**PLANNING COMMISSION:**

The Planning Commission recommended approval of the variance request at their March 13<sup>th</sup> 2023 Planning Commission meeting with the conditions listed in the staff report.

**FISCAL IMPACT:**

None

**RECOMMENDED CONDITIONS OF APPROVAL**

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.

**OPTIONS:**

The City Council may:

- Approval of the variance.
- Approve of the variance with conditions.
- Deny of the variance, citing recommended findings of fact for denial.

**RECOMMENDATION:**

Staff recommends that the City Council approve the variance request.

***“Motion to approve the variance request to reduce front and side yard setback requirements of the Residential Estate Zoning district for the property located at 2621 Innsdale Ave N. with the conditions of approval listed in the staff report”***

**ATTACHMENTS:**

- 1) Land Use Application
- 2) Written Statements
- 3) Location Map
- 4) Certified Survey
- 5) Building Plans
- 6) Engineer Email Dated 2/3/2023
- 7) Fire Dept. Email Dated 2/7/2023
- 8) Resolution 2023-026

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



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

## VARIANCE APPLICATION

Applicant: Bryant Olson

Address: 2621 Innsdale Ave N

Phone # 715-764-8857

Email Address: olsonbj@gmail.com

Fee Owner: Bryant Olson

Address: 2621 Innsdale Ave N

Phone # 715-764-8857

Email Address: olsonbj@gmail.com

Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone # \_\_\_\_\_

Email Address: \_\_\_\_\_

Property Location (Address): 2621 Innsdale Ave N, Lake Elmo, MN 55042

Complete Legal Description: SUBJ TO RT OF ACCESS TO CSAN#130 lake elmo subdivision

name lake elmo heights 2nd add lot 3 block 3 subdivisioncd 37436

PID#: 21.029.21.24.0006

Detailed Reason for Request: Master Suite and garage stall addition to a house that was re-zoned into setbacks. The only feasible place to do the additions is to the side.

the rear of the building

\*Variance Requests: As outlined in LEC Section 103.00.110 (c), the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows: Setbacks for this particular lot are very limiting as it is a long and narrow lot. The septic tank and drainfield are only a few feet to the rear of the house so that limits additions to the back. The only feasible place to do the additions is on to the side.

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: \_\_\_\_\_

Date: 1-20-23

Signature of fee owner: \_\_\_\_\_

Date: 1-20-23

RECEIVED  
JAN 19 2023

By: \_\_\_\_\_

# Variance Proposal – 2621 Innsdale Ave N

City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## Justification

The following variance proposal is to allow for a home addition to the property at 2621 Innsdale Ave N, Lake Elmo, MN 55042. The current zoning of Residential estate is restrictive and will not allow for any type of addition to the house. In the following proposal I provide the detail and requirements for variance consideration

## Written Statements

### Owners

Bryant Olson  
Katelind Olson  
2621 Innsdale Ave N  
Lake Elmo, MN 55042

### Site Data

Parcel ID: 21.029.21.24.0006  
Parcel Size: 65,340sq ft or 1.500 acres  
Current Zoning: Residential Estate  
Existing Land Use: Single Family Home  
Legal Description: SUBJ TO RT OF ACCESS TO CSAH#13B LAKE ELMO SUBDIVISIONNAME LAKE ELMO HEIGHTS 2ND ADD LOT 3 BLOCK 3 SUBDIVISIONCD 37436

## Provisions

105.12.630 Lot Dimensions And Building Bulk Requirements

## Description

This variance proposal is to be granted a building permit to perform an addition to our home within setbacks of the Residential Estate zoning district setbacks. The Lake Elmo Heights subdivision has always been zoned as Residential Estate; however, the setbacks were increased to be unreasonably prohibitive to any construction within the development sometime between original zoning and present day.

## Narrative

Strict enforcement of this zoning code prevents any type of addition or construction to existing homes that involves changing the footprint of the existing structures. Upon further investigation most properties within the Lake Elmo Heights are non-conforming to the Residential Estate Zoning District. See below summary of non-compliant properties.

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JAN 19 2023

BY: .....

Lake Elmo Heights - RE Zoning Requirements	
Minimum Parcel Size - 2.5 acres	
Compliant	Non-compliant
29	22
Meets All Setbacks - 100ft Front/50ft Side/100ft Back	
Compliant	Non-compliant
17	34
250ft Diameter Circle on property	
Compliant	Non-compliant
19	32
Totally Compliant Properties	
Compliant	Non-compliant
13	38

### Practical Difficulties

Per current setback rules, only about 1/3 of an acre of my property would allow construction with current setbacks. That's also a long and narrow 1/3 of an acre tipping out at roughly 50ft wide and narrowing as it goes back. Adding onto the rear of the house isn't practical to avoid side setbacks as immediately following the house is the septic tank and drain field. The only practical place to make an addition is to the sides

### Plight

As stated previously, sometime in the past the setbacks were increased which made nearly 80% of this development non-compliant. Ideally, there would be a grandfather clause in that ordinance to allow for these types of improvements without a variance. If that isn't already in place, I would strongly urge the City Planning Commission to consider rezoning the Lake Elmo Heights subdivision to Rural Single-Family, which would likely make the entire subdivision compliant.

### Neighborhood Character

As stated previously, nearly 80% of homes in the neighborhood are already non-compliant with setbacks. This addition would only further add value to the neighborhood. Also, adding while we will be encroaching to roughly 20ft of the south lot line, the property directly to the south is substantially further away. The houses would still be over 160ft apart.

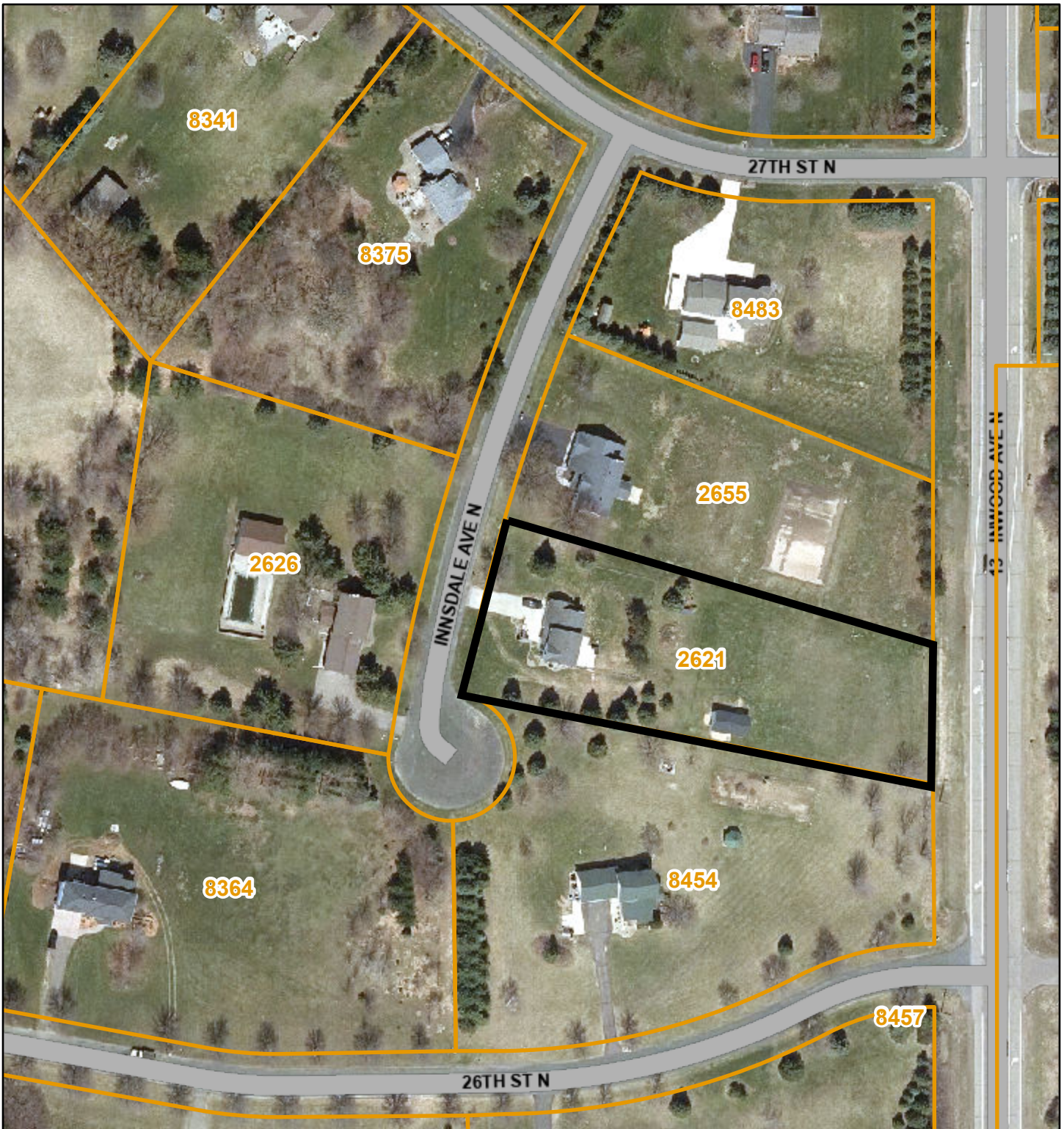
Regards,  
Bryant Olson  
Katelind Olson

RECEIVED  
JAN 19 2023

BY: .....



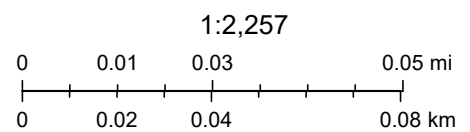
# ArcGIS Web AppBuilder



2/9/2023, 12:07:42 PM

Wash\_Co\_mosaic\_2022.jp2

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Parcels





CERTIFICATE OF SURVEY

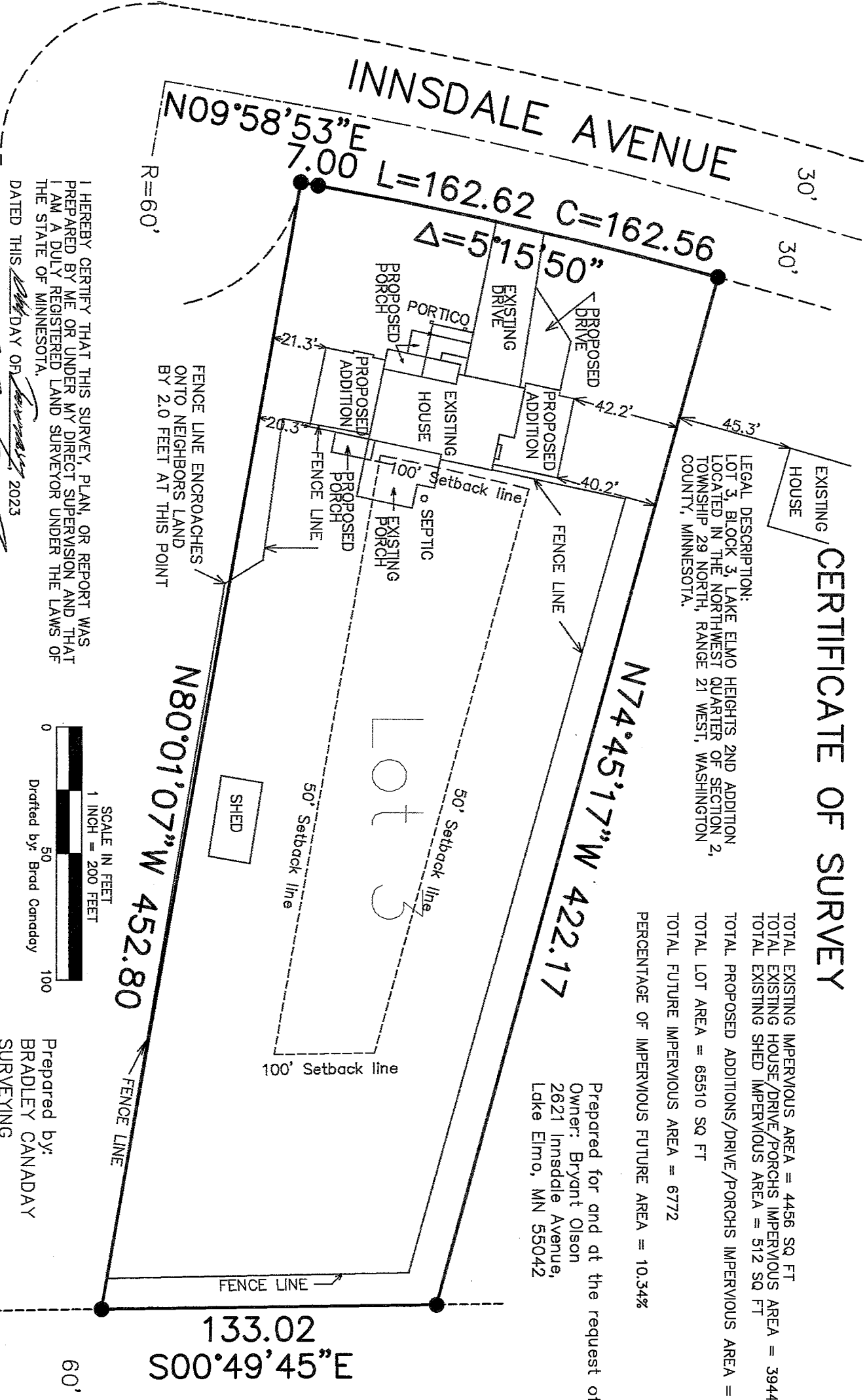
EXISTING HOUSE  
LEGAL DESCRIPTION:  
LOT 3, BLOCK 3, LAKE ELMO HEIGHTS 2ND ADDITION  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 2,  
TOWNSHIP 29 NORTH, RANGE 21 WEST, WASHINGTON  
COUNTY, MINNESOTA.

TOTAL EXISTING IMPERVIOUS AREA = 4456 SQ FT  
TOTAL EXISTING HOUSE/DRIVE/PORCHS IMPERVIOUS AREA = 3944 SQ FT  
TOTAL EXISTING SHED IMPERVIOUS AREA = 512 SQ FT  
TOTAL PROPOSED ADDITIONS/DRIVE/PORCHS IMPERVIOUS AREA = 2316 SQ FT  
TOTAL LOT AREA = 65510 SQ FT  
TOTAL FUTURE IMPERVIOUS AREA = 6772 SQ FT  
PERCENTAGE OF IMPERVIOUS FUTURE AREA = 10.34%

Prepared for and at the request of:  
Owner: Bryant Olson  
2621 Innsdale Avenue,  
Lake Elmo, MN 55042

RECEIVED  
JAN 19 2023

BY: .....



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS  
PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT  
I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF  
THE STATE OF MINNESOTA.  
DATED THIS 14th DAY OF February, 2023

SCALE IN FEET  
1 INCH = 200 FEET  
0 50 100  
Drafted by: Brad Canaday

LEGEND

● 1" Iron pipe found

JOB NO. 22-19

BRADLEY CANADAY, PROFESSIONAL LAND SURVEYOR NO. 17496

Prepared by:  
BRADLEY CANADAY  
SURVEYING  
6976 26th St Ct N,  
Oakdale, MN 55128  
Ph No. 651-332-6890

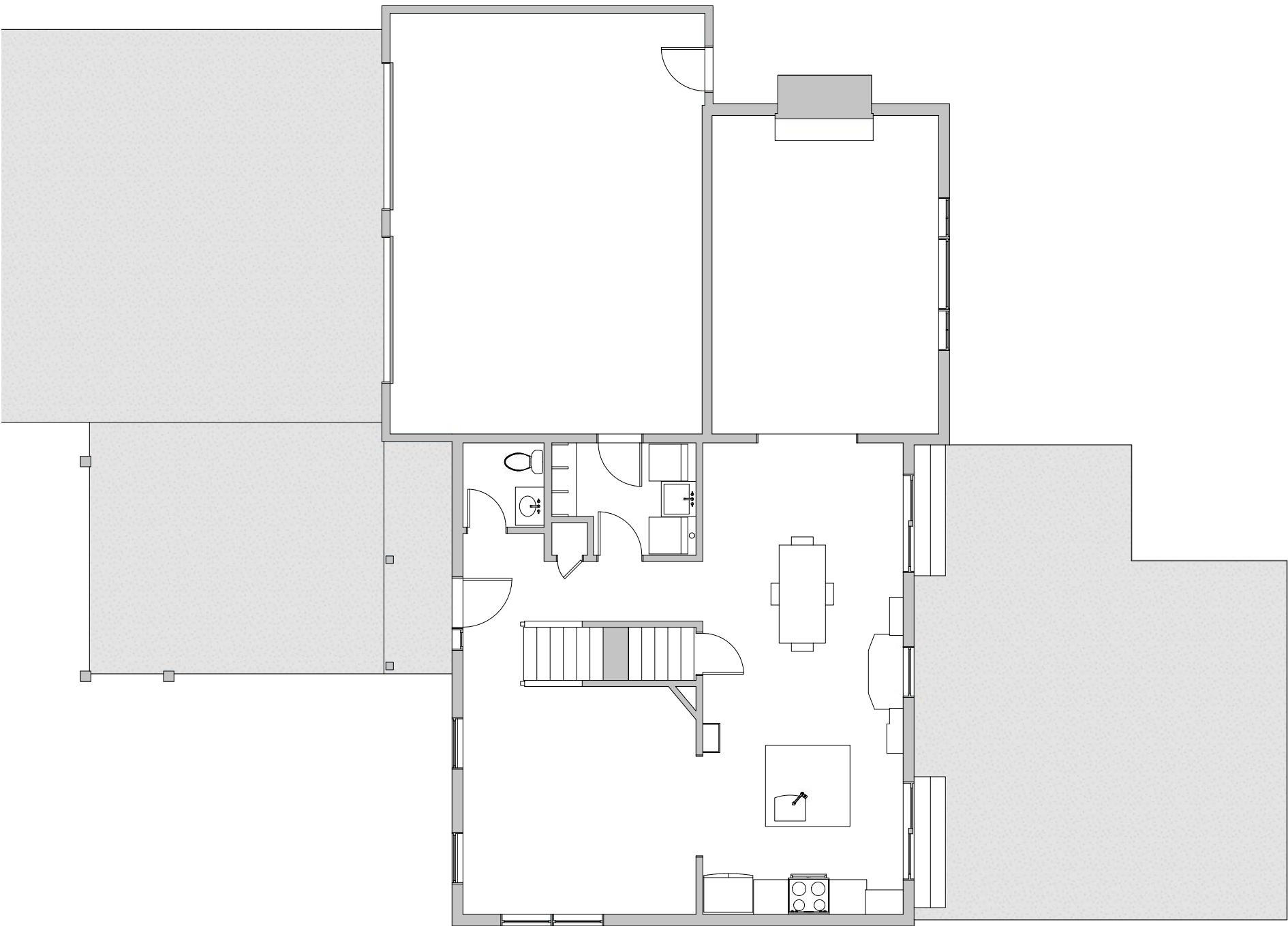
SHEET 1 OF 1 SHEETS

# Olson Residence

2621 Innsdale Ave. N. Lake Elmo, MN 55042

Existing  
First Floor  
Plan  
1/8" = 1'-0"

1



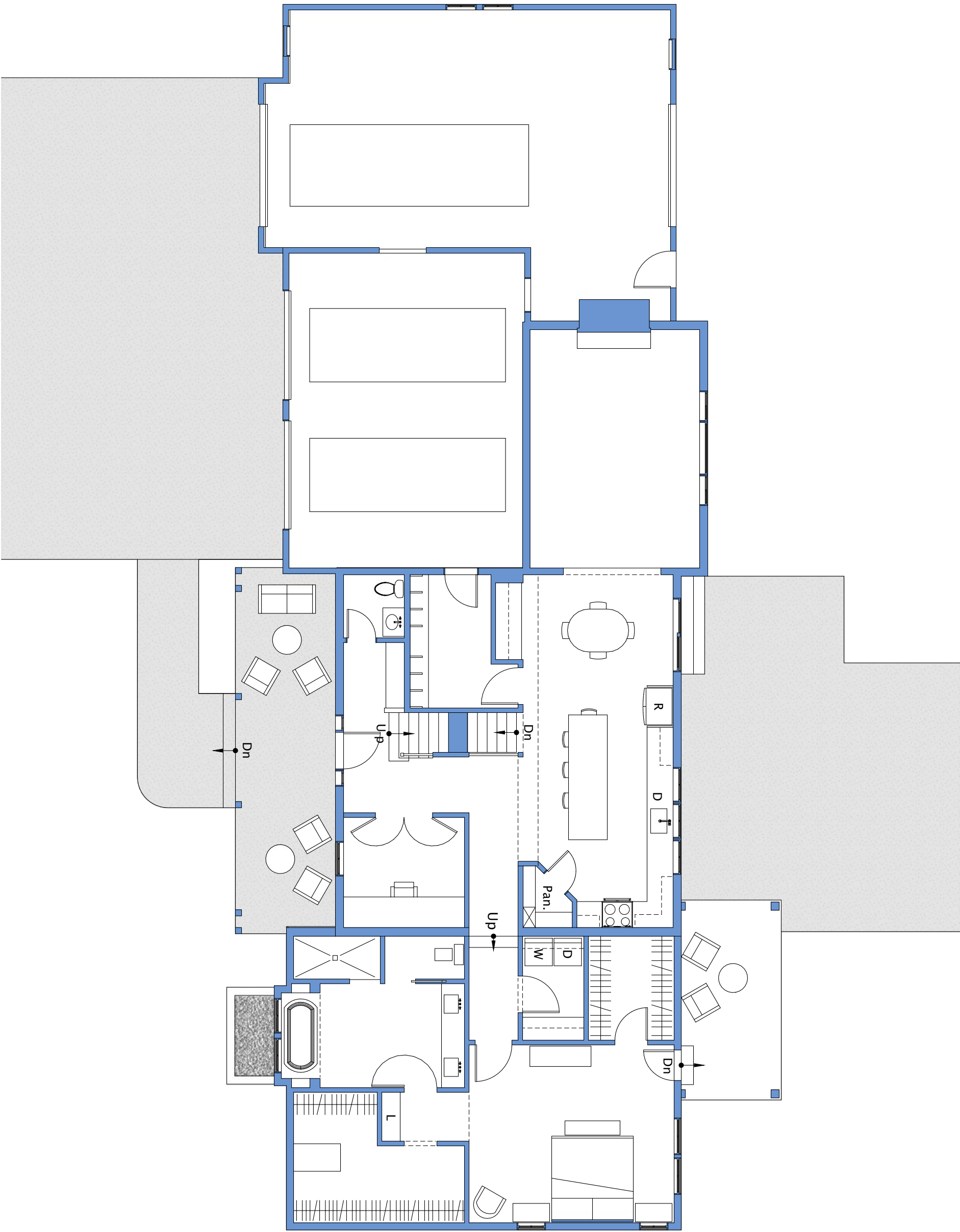
# Olson Residence

2621 Innsdale Ave. N. Lake Elmo, MN 55042

First Floor  
Plan

1/8" = 1'-0"

2





Vermeland  
Architects  
651-998-1022

March 8, 2023



# Olson Residence

2621 Innsdale Ave. N. Lake Elmo, MN 55042

Exterior  
Views  
1/8" = 1'-0"

3

## Sophia Jensen

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**From:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>  
**Sent:** Friday, February 3, 2023 3:05 PM  
**To:** Sophia Jensen  
**Cc:** Jenni Faulkner  
**Subject:** 2621 Innsdale Ave Setback Variance

**Caution:** This email originated outside our organization; please use caution.

Sophia,

Below are my comments for the 2621 Innsdale Ave Setback Variance. Please let me know if there is anything more you need from engineering.

1. There was limited plan information provided for engineering review. However, there does not appear to be any infrastructure (watermain/storm sewer) located along the side lot lines.
2. No proposed grading plan was submitted for review. Any approvals should be conditioned on the improvements not altering drainage patterns that impact neighboring properties. If a grading plan review is needed, please request the applicant to provide a proposed grading plan to scale and to provide existing conditions survey with existing septic system accurately shown.

Thanks ~Jack

John (Jack) W. Griffin, P.E.  
Principal / Sr. Municipal Engineer

**FOCUS** ENGINEERING, INC.  
651.300.4264  
[jack.griffin@focusengineeringinc.com](mailto:jack.griffin@focusengineeringinc.com)



## Sophia Jensen

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**From:** Dustin Kalis  
**Sent:** Tuesday, February 7, 2023 10:44 AM  
**To:** Sophia Jensen  
**Subject:** RE: Lake Elmo Land Use Review - February 1st Batch

**2621 Innsdale Ave Setback Variance:** Bryant Olson, homeowner, has submitted a variance for flexibility from zoning setback requirements for a home addition. The property is zoned Residential Estate (RE). Reviewers: Fire.

Fire Department comments:

- 1) Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background. Addresses may be required to be posted adjacent to driveways or other access ways.

**Dustin Kalis | Fire Chief**

**Lake Elmo Fire Department**

Fire Station #1 - 3510 Laverne Ave. N. | Lake Elmo, MN | 55042  
651-747-3933 office | [www.lakeelmo.org](http://www.lakeelmo.org)

**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 13<sup>th</sup> 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 4<sup>th</sup> 2023; and

**WHEREAS**, the City Council considered said matter at its April 4<sup>th</sup> 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 4<sup>th</sup> day of April, 2023 by the City Council of the City of Lake Elmo, Minnesota.

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Mayor Charles Cadenhead

ATTEST:

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Julie Johnson, City Clerk