

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

**RESOLUTION NO. 2023-063**

***A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FOR A VARIANCE  
TO ALLOW AN IMPERVIOUS SURFACE COVERAGE OF 18.8% ON THE PROPERTY  
LOCATED AT 4708 LARKSPUR LANE NORTH***

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

**WHEREAS**, Bob Appert and Robert Engstrom (the “Applicants”), owner of the property located at 4708 Larkspur Lane N N PID# 12.029.21.14.0009, Lake Elmo, MN 55042 (the “Property”) have submitted an application to the City of Lake Elmo (the “City”) for a variance request to allow increased impervious surface; 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 12<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 June 20<sup>th</sup> 2023; and

**WHEREAS**, the City Council considered said matter at its June 20<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 the proposed variance includes the following components:
  - a) The applicants proposes to construct a new single family home, preserve original Goetschels farm agricultural buildings, and accommodate for an existing driveway encroachment.

- 3) **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:** The applicant is proposing to construct a single family home on a platted lot. The proposed house would only add up to 11% impervious surface but due to the existing farm buildings and neighbor/HOA encroachments the property is pushed over the maximum impervious surface allowance of the Shoreland Overlay District.

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

**FINDINGS:** The property is a part of the original Goetschels farmstead. The applicant is not responsible for the existing encroachments or farm buildings that are currently on the property but has the intent to preserve these improvements. The applicant has made efforts to avoid the variance process to no avail.

- 5) **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 construction of a single family home and preservation of the existing farm buildings would not alter the essential character of the neighborhood. The removal of the existing farm buildings would negatively alter the essential character given the neighborhood was built around this farmstead.

- 6) **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 single family home meets all required setbacks and would be spaced adequately from adjacent residences. The addition of a single family home would not significantly increase congestion on the public street or impair 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 for a variance request to allow increased impervious surface on the property located at 4708 Larkspur Lane North. The conditions for approval are outlined below:

1. The applicant must obtain all other necessary City, State, and other governing body permits and approvals prior to construction.

2. Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.
3. All stormwater runoff from the site shall be contained on the applicant's property. Stormwater shall not be directed onto adjacent properties or to Goetschels Pond.
4. This variance approval is only for increased impervious surface coverage to 18.8%.
5. If approved, this variance shall expire if work does not commence within 12 months of the date of granting the variance.

Passed and duly adopted this 20<sup>th</sup> day of June, 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