



STAFF REPORT

DATE: 02/06/2024

**REGULAR
MOTION**

TO: City Council
FROM: Sophia Jensen, City Planner
AGENDA ITEM: **Impervious Surface Variance - 8012 Hill Trail N**

INTRODUCTION:

Daniel and Anne Stoudt (Owners) applied for an impervious surface coverage variance for the property located at 8012 Hill Trail N – Parcel 04.029.21.33.0044 (Subject Property). The applicants were previously granted a variance on June 21st, 2022, for 19.1% impervious surface. The applicants had trouble with the prior builder which caused delays in the project and the variance has since expired since work did not commence within the one-year approval timeframe. The request is generally the same as the last approval. The applicant proposes to expand the living space within their single-family home, add an attached garage, and add a porch. To do this, the applicants are proposing to construct the expansions onto the east side of the existing home and relocate a portion of the driveway to access the proposed garage. The paved area in front of the existing detached garage will be removed, along with a paved area to the east of the garage. The maximum impervious surface coverage for an unsewered lot in a Shoreland District is 15%. The property is currently at 17.2% impervious surface. The applicants are asking the city to allow an impervious surface coverage of 19% which is slightly less than the prior variance approval.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being asked to make a determination on a variance request to allow an impervious surface coverage of 19% where a maximum of 15% is allowed.

VARIANCE REQUEST DETAILS/ANALYSIS:

Address: 8012 Hill Trail North
PID: 04.029.21.33.0044
Existing Zoning: Rural Single Family, Shoreland Overlay District, Valley Branch Watershed
Surrounding Zoning: South, East, & West: Rural Single Family
Deadline for Action: Application Complete – 12/6/2023
Extension Letter Mailed – 1/17/2024.
120 Day Deadline – 4/4/2024
Applicable Regulations: Article V - Zoning Administration and Enforcement
Article XI - Rural Districts
Article XIX -Shoreland Overlay District

Reason for Request: The applicants propose to expand the living space of the single family dwelling, add an attached garage, and add a porch within a Shoreland Management Zone.

According to Section 105.12.1260 Table 17-3 of the City of Lake Elmo Municipal Code, an unsewered lot is allowed a maximum impervious surface coverage of 15%.

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 before the City may grant an exception or modification to city code requirements. The criteria reasoning is the exact same as the prior approval reasoning in 2022.

- 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 municipal code denies the applicant the use of a functional garage and adequate living space for a growing family. According to the applicant, the existing tuck under garage was built so that only compact cars fit inside. The inability to park vehicles inside creates parking problems for the owners and guests. Additionally, there is currently an inadequate amount of bedrooms for a family of six. The current home has a total of 3 bedrooms. This arrangement will not be practical in the near future.

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

FINDINGS:

The previous owners of the property chose the existing home location and constructed the existing home and tuck under. The applicant has explored other alternatives such as expanding the existing garage to lessen the total impervious coverage. Expansion of the existing garage is not practical due to its proximity to the west property line and the living space above located above.

- 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 additions would not alter the essential character of the neighborhood. The general style of the addition would be consistent with the existing principal structure. The applicant proposes to use natural colors and preserve as many trees as possible to maintain the wooded character of the neighborhood. Several surrounding properties consist of principal structures with larger footprints, consistent with what is being proposed. All required Shoreland District setbacks and property line setbacks would be met with this proposal.

- 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 closest point of the proposed addition would be approximately 40 ft from the neighboring home to the east. The subject property is heavily wooded which provides natural screening from the public street and neighboring properties. The proposal would not increase the congestion of the public street or diminish property values.

CITY AGENCY REVIEW:

This request was distributed to several city departments for review on December 22nd 2023. The following departments provided comments on the variance request.

- City Engineer- Provided comments regarding grading, existing/new well and the septic location. Conditions of approval have been included to address these comments.
- Fire Department- Provided comments regarding fire detection/suppression and address numbers. Conditions of approval have been included to address these comments.
- Valley Branch Watershed District Engineer – The project does not require a Valley Branch Watershed District Permit.
- MN DNR – No Comment.

PUBLIC COMMENT:

A hearing notice was sent to surrounding properties on January 10th, 2024. A hearing notice was published in the local newspaper on January 12th, 2024. No public comment was received.

PLANNING COMMISSION

The Planning Commission reviewed this request at their January 22nd meeting. The Commission voted to recommend approval of the request (Vote 6-0).

FISCAL IMPACT:

None

RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant may not exceed the proposed 19.0% impervious surface coverage.
2. If approved, this variance shall expire if the work does not commence within 12 months of the date of granting the variance.
3. Building materials used must be similar in color to the existing principal structure.
4. Grading should be done in a manner that does not direct stormwater runoff towards the sanitary system or adjacent properties.
5. The existing well must be sealed in accordance with MDH requirements and the new well must be constructed in accordance with MDH requirements and meet all required setbacks.
6. Addressing numbers shall be plainly visible from the street fronting the property and shall be contrasting color from the background.
7. The fire detection and suppression requirements in the Fire Department Memo dated 12/13/2023 must be met prior to the final inspection.

OPTIONS:

The City Council may:

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

RECOMMENDATION:

Staff recommends that the City Council approve of the request with conditions for a variance to allow an impervious surface coverage of 19% at 8012 Hill Trail North.

“Move to adopt Resolution 2024-019 approving the variance request with conditions from Daniel and Anne Stoudt to allow an impervious surface coverage of 19% at 8012 Hill Trail North.”

ATTACHMENTS:

- 1) Location Map
- 2) Land Use Application
- 3) Written Statements
- 4) Certificate of Survey
- 5) Resolution 2022-064
- 6) Fire Dept Comments 12/13/2023
- 7) Engineering Comments 12/20/2023
- 8) Resolution 2024-019

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

RESOLUTION NO. 2024-019

A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS DANIEL AND ANNE STOUTT FOR A VARIANCE TO ALLOW AN IMPERVIOUS SURFACE COVERAGE OF 19.0% ON THE PROPERTY LOCATED AT 8012 HILL TRAIL N.

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

WHEREAS, Daniel and Anne Stoutt (the “Applicant”) owners of the property located at 8012 Hill Trail N – Parcel 04.029.33.0044, 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 impervious surface coverage of 19.0% where a maximum of 15% is allowed; 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 January 22nd 2024; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 6th 2024; and

WHEREAS, the City Council considered said matter at its February 6th 2024 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 propose to expand the living space within the existing single family home, add a detached garage, and add a porch. The expansions are proposed on the east side of the home and a paved portion of the driveway will be removed in front of the existing detached garage along with a paved area to the east of the garage. The proposed expansion will increase the impervious surface coverage from 17.2% to 19.0%.
- b) As per Table 17-3 of Section 105.12.1260 of the Lake Elmo City Code, the maximum impervious surface coverage for an unsewered lot in a Shoreland Management District is 15%.
- c) The applicant proposes a storm water management plan to infiltrate a portion of the newly constructed impervious surfaces.

- 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 municipal code denies the applicant the use of a functional garage and adequate living space for a growing family. According to the applicant, the existing tuck under garage was built so that only compact cars fit inside. The inability to park vehicles inside creates parking problems for the owners and guests. Additionally, there is currently an inadequate amount of bedrooms for a family of six. The current home has a total of 3 bedrooms. This arrangement will not be practical in the near future.

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

The previous owners of the property chose the existing home location and constructed the existing home and tuck under. The applicant has explored other alternatives such as expanding the existing garage to lessen the total impervious coverage. Expansion of the existing garage is not practical due to its proximity to the west property line and the living space above located above.

- 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 additions would not alter the essential character of the neighborhood. The general style of the addition would be consistent with the existing principal structure. The applicant proposes to use natural colors and preserve as many trees as possible to maintain the wooded character of the neighborhood. Several surrounding properties consist of principal structures with larger footprints, consistent with what is being proposed. All required Shoreland District setbacks and property line setbacks would be met with this proposal.

- 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 closest point of the proposed addition would be approximately 40 feet from the neighboring home to the east. The subject property is heavily wooded which provides natural screening from the public street and neighboring properties. The proposal would not increase the congestion of the public street or diminish 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 by Zawadski Homes on behalf of Daniel and Anne Stoudt for a variance request to allow an impervious surface coverage of 19.1% on the property located at 8012 Hill Trail N. The conditions for approval are outlined below:

1. The applicant may not exceed the proposed 19% impervious surface coverage.
2. If approved, this variance shall expire if the work does not commence within 12 months of the date of granting the variance.
3. Building materials used must be similar in color to the existing principal structure.
4. Grading should be done in a manner that does not direct stormwater runoff towards the sanitary system or adjacent properties.
5. The existing well must be sealed in accordance with MDH requirements and the new well must be constructed in accordance with MDH requirements and meet all required setbacks.
6. Addressing numbers shall be plainly visible from the street fronting the property and shall be contrasting color from the background.
7. The fire detection and suppression requirements in the Fire Department Memo dated 12/13/2023 must be met prior to the final inspection.

Passed and duly adopted this 6th day of February, 2024 by the City Council of the City of Lake Elmo, Minnesota.

Mayor Charles Cadenhead

ATTEST:

Julie Johnson, City Clerk

ArcGIS Web AppBuilder



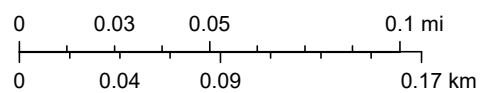
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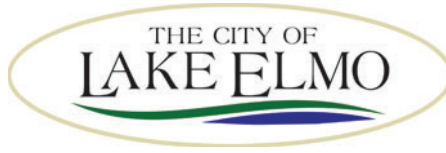
 Parcels

 Municipals

DNR Protected Waters ID



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: Daniel and Anne Stoudt

Address: 8012 Hill Trl N, Lake Elmo, MN 55042

Phone # 763-234-8130 (Anne)

Email Address: anne@stoutdlaw.com

Fee Owner: Daniel and Anne Stoudt

Address: _____

Phone # _____

Email Address: _____

Property Location (Address): 8012 Hill Trl N, Lake Elmo, MN 55042

(Complete (long) Legal Description: Lots 432, 433, 434, 435, 436, 437 and the Westerly 1/2 of Lot 438 AND the Westerly 1/2 of Lot 704 and all of Lots 705, 706, 707, 708, 709 and 710, Lane's Demontreville Country Club, Washington County, Minnesota.

PID#: 04.029.21.33.0044

Detailed Reason for Request: We hope to complete a modest addition to our home to accommodate our family of six in terms of both bedrooms and garage space. To do so, we are requesting a variance with respect to the impervious surface area. The current impervious area, which is comprised almost equally of house and driveway space, covers about 17.16% of our lot. The existing home only has 2 bedrooms suitable for children and the current garage is limited in both height and width to prevent any sort of SUV from fitting inside. Our proposed addition, which involves adding a normal-sized garage with bedrooms above, obeys all setbacks, remains consistent with the character of the neighborhood, preserves as many trees as possible, and improves the efficiency of water drainage in the front of our home. However, the addition would bump the total impervious surface area up to 19.23%.

*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:

Because our lot is long and narrow, and the current house is placed as far back as it can possibly be, our driveway is already relatively long in order to reach the house, using up a significant portion of our impervious area allotment. With the as-is improvements already exceeding 15%, there is no way to accomplish an addition without a variance. We currently have no garage that we can park in, as no vehicles for a family of 6 fit inside the doors. In addition, we have 2 kids sharing the master bedroom with us. We would like this to be our forever-home, but this arrangement will not work into the distant future. If we are not able to modify the house to add bedrooms and a functional garage, we will be forced to move.

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: /s/ Anne K. Stoudt

Date: 11/22/23

Signature of fee owner: /s/ Anne K. Stoudt

Date: 11/22/23

December 5, 2023

City of Lake Elmo Planning Commission
3880 Laverne Ave. N.
Lake Elmo, MN 55042

Re: Variance Renewal Request re: 8012 Hill Trl N., Lake Elmo, MN 55042

Dear Planning Commission Members:

This letter is to provide you with information and documents for purposes of considering our request to revive the variance we were granted via Resolution No. 2022-064. This relates to the impervious surface area requirement applicable to the above property, as governed by Section 154.800 Shoreland Management Overlay District, Subd(C)(3), at table 17-3 Shoreland Standards, capping impervious lot coverage on an unsewered lot at 15%.

As a brief history, after Resolution No. 2022-064 was passed, our builder at the time, Zawadski Homes, began collecting detailed bidding information from subcontractors in order to price out the project they had designed for us. Despite our requests for cost information during the pre-application design process, we were told that the variance would need to be obtained first. As it turned out, the project turned out to be cost-prohibitive.

We are committed to staying in Lake Elmo and staying in our house, preserving as much of the original house as possible (rather than rebuilding completely). To move forward, we decided to switch builders and re-design the project with a builder that would help us make cost-effective decisions throughout the design process. Doing so allowed us to cut the total cost significantly, however, it did take a significant amount of time.

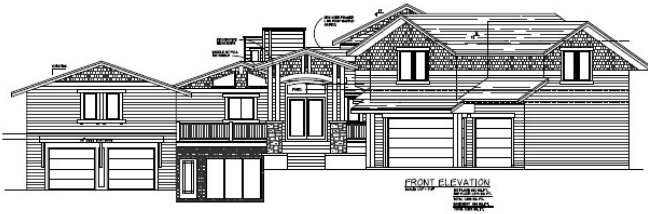
The original builder was also an applicant for the variance we were granted via Resolution No. 2022-064. As we (Anne and Dan Stoudt) are not in the business of construction/renovating homes, and with this being our first and only experience seeking and obtaining a variance, we were unaware of the need to take action to extend the variance once it became necessary to switch builders and start the design process over from scratch. With the original builder no longer involved in the process, no one was carefully monitoring the deadline mandated by Resolution No. 2022-064. As a result, the one-year deadline attached to Resolution No. 2022-064 came and went without our awareness. Now that we have finalized a new, doable plan to add onto our home to make it suit the needs of our family, we are applying a second time for a variance, for the exact same reasons.

While the plan no longer exactly matches the plan that was approved via Resolution No. 2022-064, we took significant care in making the footprint as similar as possible. The resulting increase in impervious surface area is slightly less than the increase requested and granted previously.

Old Plan, approved by Resolution No. 2022-064:

Impervious surface: 19.1%

Front view:



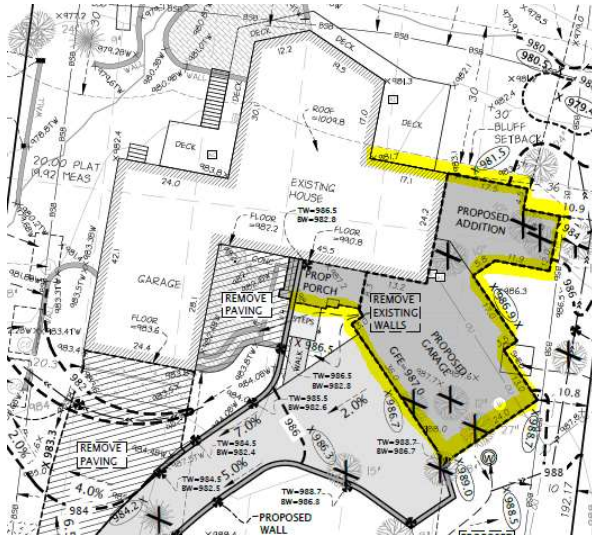
Proposed Plan, approval requested:

Impervious surface: 19.0%

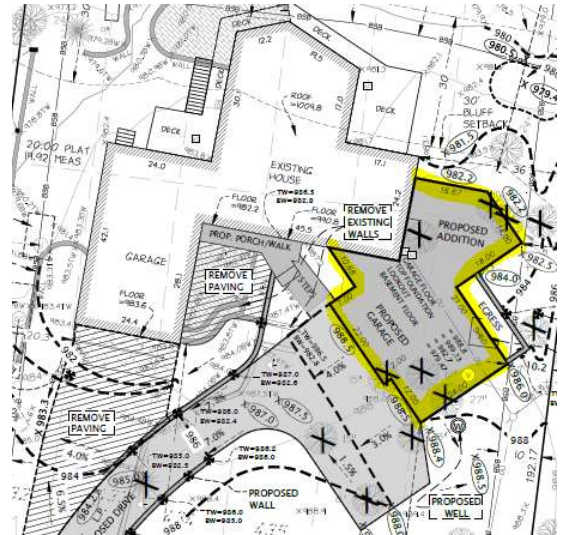
Front view:



Footprint:



Footprint:



Included in this application are the following:

1. Land Use Application Form;
2. Verification of Ownership;
3. A certified list of property owners located within 350 feet of our property, with address labels;
4. Survey showing current improvements (these were provided with the application dated July 29, 2020);
5. Survey showing projected improvements (Builder, Sean Kane has provided with building permit application);
6. Projected house plans (Builder, Sean Kane has provided with building permit application);
7. \$1,250.00 Application Fee + \$95.70 to replenish Escrow to the required \$1,000.
8. Signed forms:
 - a. Acknowledgement of Responsibility
 - b. Affirmation of Sufficient Interest
 - c. City of Lake Elmo Escrow Agreement for Municipal Review Services – Deposit Agreement

REQUIRED WRITTEN STATEMENTS:

a. All current property owners involved as applicants/owners:

- Daniel and Anne Stoudt

b. Site data:

Legal Description:	Lots 432, 433, 434, 435, 436, 437 and the Westerly 1/2 of Lot 438 AND the Westerly 1/2 of Lot 704 and all of Lots 705, 706, 707, 708, 709 and 710, Lane's Demontreville Country Club, Washington County, Minnesota.
PID:	04.029.21.33.0044
Parcel Size – Acres:	.86
Parcel Size – Sq. Feet:	37,540
Existing use of land:	Residential
Current Zoning:	RS. Residential - Lakeshore

c. Provision of the Lake Elmo City Code for which we seek a variance:

Section 154.800 Shoreland Management Overlay District, Subd(C)(3), at table 17-3 Shoreland Standards, capping impervious lot coverage on an unsewered lot at 15%.

d. A specific written description of the proposal and how it varies from the applicable provisions of the Code.

The impervious areas on our property comprise 17.2% of the lot, which is already higher than the Code allows. We are asking you to allow a further increase to 19.0% of impervious surface coverage. We are hoping to remodel our existing home to accommodate our family of six (our kids are ages 11, 8, 6, and 5). The original home was built in the 1960's. Dan's parents purchased the home in 2000. Because of the home's history, particularly within our family, we do not wish to tear the home down and rebuild. Our goal is to remain in this home but there is a need for a) more bedrooms, and b) a functional garage.

As it currently sits, the impervious areas exceed the 15% limit, as calculated below (See as-is survey):

<u>impervious areas as-is:</u>	<u>sq. feet</u>
house	2,772
shed	41
concrete, pavers	1,187
driveway	2,440
TOTAL:	<u>6,440</u>
CURRENT LOT SIZE:	37,540
IMPERVIOUS PERCENTAGE <u>AS-IS:</u>	17.2%

The variance we seek would allow us to add onto our home to make it more suitable to our needs. As the enclosed as-built survey projects, the impervious percentage with our addition would increase to 19.0%, as calculated below:

<u>impervious areas, projected:</u>	<u>sq. feet</u>
house	2,772
house - addition	1,315
driveway	2,516
rear patio	419
front porch	116
TOTAL:	<u>7,138</u>
CURRENT LOT SIZE	37,540
IMPERVIOUS PERCENTAGE <u>PROJECTED:</u>	*19.0%

**The plan approved by Resolution No. 2022-064 provided for an increase to 19.1%.*

The stated purpose of the section is to protect, preserve and enhance the surface waters, and conserve environmental values. With this addition, we are proposing a 100% mitigation of all new hard surface water runoff with a complete French drain system that directs and contains roof runoff to rain garden containment ponds. Roof water on the front of the home will be directed away from the lake and will dissipate into the ground. Because of the current driveway's slope downward toward the existing garage, we have experienced excess water flowage into the garage and at the lowest level of patio in front of the house. The new driveway will be graded in a much better way, to divert some of that flow away from the house and toward the grassy front lawn, to eliminate some of those flooding issues.

Water going toward the lake will have an improved drainage feature of a French drain to a rain garden in addition to the 100 feet of slope down to the lake, which is being maintained in its natural, wild state that allows for natural percolation.

e. **Narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.**

Regarding our prior application, we reached out to Ben Prchal in 2022 via phone and email for purposes of obtaining information about the variance application process and clarifying the specific code section we are concerned with. Mr. Prchal answered our questions. Ultimately that variance request was granted. Regarding this renewed request, we the homeowners, as well as our builder, Sean Kane, have recently communicated with Ms. Sophia Jensen about re-applying and completing this application.

f. **Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.**

- **Strict enforcement of the code denies us the use of a functional garage, creating inconvenience and parking issues.** The tuck-under garage located on the west side of our current home was built in such a way that only compact cars may actually fit inside. We are a family of six, and our vehicles are not compact. They do not fit in the garage. For obvious reasons, this creates inconveniences in the winter months, when we must park outside. In addition, because our street is a strict "No Parking" zone, we have severe limitations with parking for our guests, as our own cars must occupy a significant portion of our driveway. To remedy this practical difficulty, we are proposing the addition of a normal-sized garage on the east side of our home. This cannot be done without increasing the footprint of our home to further exceed the 15% cap on impervious surface area.
- **Strict enforcement of the code denies us the ability to give each of our kids a bedroom, and would force us to eventually move.** Our home has 3 bedrooms, including the master. We have 4 kids, ages 11, 8, 6 and 5. Currently, our 5- and 6-year-olds share the master bedroom with us. This arrangement will not work into the distant future. We are proposing the addition of more bedrooms below the new garage on the east side of our home, which we feel is the most efficient way to accomplish the addition of bedrooms to our home.

g. **The plight of the landowner is due to circumstances unique to the property and not created by the landowner.**

Our lot is long and narrow and the current house lacks (1) an adequate garage and (2) enough bedrooms. On a larger parcel that is wider, there would be more flexibility as to placement and size of the addition. Given the unique narrowness, lot size and distance of setbacks, we were somewhat limited as to the location and size of the addition. From front to back, the existing home is already tucked close to the bluff setback. As a result, (a) the driveway is already relatively long, using up a significant portion of the impervious surface area, and (b) the placement of any addition without violating the bluff and perimeter setbacks was a challenge. After exploring several ideas, our projected plan is the result of careful consideration of all setbacks and adherence thereto. The result is that the driveway, in addition to being long enough to reach

the house, must also be extended across the front of our house, further increasing impervious surface area. However, as mentioned above, the new projected driveway also presents an opportunity to redirect runoff so that stormwater is actually managed more efficiently than it is currently. In any event, neither the lot size nor the current garage/floorplan, which have each presented unique obstacles, were created by us, the owners.

h. Granting the variance would not alter the essential character of the neighborhood.


Our remodeled home would be perfectly consistent with the essential character of the neighborhood. The general design and style of the home will remain the same. We will be using all natural colors. We have thoughtfully placed the addition to preserve as many trees as possible, to maintain the wooded character of the area. Several of the homes in the Tri-Lakes Area have recently undergone transformations for the better, and we feel our home would only contribute the overall improvement of the general aesthetic of the area.

We are very attached to the home and the neighborhood. Dan's parents, Jamie and Mary Stoudt, purchased the home in 2000, when Dan was a sophomore in high school. We purchased the home in 2015 from them. Less than 2 years later, Mary passed away from cancer. With her now gone, we feel especially thankful to live surrounded by memories of her. To keep this home in our family, we need to create additional bedrooms and garage space. We are not interested in tearing the house down. Our goal is to accomplish a modest remodel/addition without negatively impacting the stormwater, the neighborhood or any other community concerns. Adding the garage with bedrooms above is the most efficient way to accomplish this purpose.

Sincerely,



Dan Stoudt



Anne Stoudt

Dan and Anne Stoudt

LEGEND

● FOUND MONUMENT 1/2" IP MARKED RLS 15480	○ SET 1/2" IRON PIPE MARKED RLS NO. 25718	□ CABLE TV PEDESTAL	□ AIR CONDITIONER	□ ELECTRIC MANHOLE	□ ELECTRIC METER	□ ELECTRIC PEDESTAL	□ ELECTRIC TRANSFORMER	○ LIGHT POLE	○ GUY WIRE	○ POWER POLE	○ GAS MANHOLE	○ GAS METER	○ TELEPHONE MANHOLE	○ TELEPHONE PEDESTAL	○ SANITARY CLEANOUT	○ SANITARY MANHOLE	○ CATCH BASIN	○ STORM DRAIN
○ BOLLARD	□ FLAG POLE	□ MAIL BOX	□ TRAFFIC SIGN	○ UNKNOWN MANHOLE	○ SOIL BORING	○ SPOT ELEVATION	○ TRAFFIC SIGNAL	○ CONIFEROUS TREE	○ DECIDUOUS TREE	○ FLARED END SECTION	○ STORM MANHOLE	○ FIRE DEPT. CONNECTION	○ HYDRANT	○ CURB STOP	○ WATER WELL	○ WATER MANHOLE	○ WATER METER	○ POST INDICATOR VALVE
— UNDERGROUND ELECTRIC	— UNDERGROUND CABLE TV	— UNDERGROUND FIBER OPTIC	— UNDERGROUND TELEPHONE	— OVERHEAD UTILITY	— UNDERGROUND GAS	— SANITARY SEWER	— STORM SEWER	— WATERMAIN	— FENCE	— CURB (TYPICAL)	— CONTOURS	— BUILDING LINE	— BITUMINOUS SURFACE	— CONCRETE SURFACE	○ DENOTES SPOT ELEVATION	○ DENOTES DRAINAGE AND SLOPE	○ DENOTES TREES TO BE REMOVED	○ DENOTES PROPOSED CONTOUR

EXISTING AREAS:

(IN SQUARE FEET)
 AREA OF LOT TO OHWL = 37,540

EXISTING IMPROVEMENTS
 A - HOUSE = 2772
 B - SHED = 41
 C - CONC/PAVERS = 1187
 D - DRIVEWAY = 2440
 TOTAL EXISTING = 6440
 17.2% (% ABOVE OHW AREA)

DECKS, WOOD STAIRS AND WALLS NOT SHOWN PER EMAIL FROM BEN PRCHAL TO ANNE STOUDDT DATED JULY 6, 2020.

LAKE DECK AND STAIRS = 512
 DECK AND STEPS AT HOUSE = 849
 RETAINING WALLS = 250
 *ALL STAIRS ARE WOODEN WITH GAPS AND ABOVE GROUND.

PROPOSED AREAS:

(IN SQUARE FEET)
 AREA OF LOT TO OHWL = 37,540

A - HOUSE = 2772
 B - HOUSE ADDN = 1315
 C - DRIVEWAY = 2516
 D - REAR PATIO = 419
 E - FRONT PORCH = 116

TOTAL PROPOSED = 7138
 % IMPERVIOUS = 19.0% (% ABOVE OHW AREA)

DECKS, WOOD STAIRS AND WALLS NOT SHOWN PER EMAIL FROM BEN PRCHAL TO ANNE STOUDDT DATED JULY 6, 2020.

LAKE DECK/STAIRS = 512
 DECK/STEPS AT HOUSE = 704
 FRONT PORCH STEPS = 72
 RETAINING WALLS = 295
 *ALL DECK/STAIRS ARE WOODEN WITH GAPS AND ABOVE GROUND.

PROPOSED ELEVATION ADDITION:

GARAGE FLOOR = 988.8
 TOP FOUNDATION = 989.13
 LOOKOUT = 982.7
 BASEMENT FLOOR = 979.47

SETBACKS

THE FOLLOWING SETBACKS ARE SHOWN IN THE CITY OF LAKE ELMO ZONING CODE FOR THE RS ZONING DISTRICT (SUBJECT TO LAKESHORE REGULATIONS) VERIFY ALL THE FOLLOWING SETBACKS SHOWN WITH THE CITY OF LAKE ELMO ZONING ADMINISTRATOR PRIOR TO DESIGN.

FRONT BUILDING SETBACK FROM ROAD = 30'
 SIDE BUILDING SETBACK = 10'
 BUILDING SETBACK FROM THE OHWL = 100'
 SEPTIC SETBACK FROM THE OHWL = 75'
 BUILDING SETBACK FROM TOP OF BLUFF (1.8%) = 30'

MAXIMUM 15% LOT IMPERVIOUS AREA
 RESERVED 20,000 FOR SEPTIC AREA.
 MAXIMUM BUILDING HEIGHT = 35'



LEGAL DESCRIPTION:

(AS SHOWN ON CERTIFICATE OF TITLE NO. 73027)
 Lots Four hundred thirty-two (432) Four hundred thirty-three (433), Four hundred thirty-four (434), Four hundred thirty-five (435), Four hundred thirty-six (436), Four hundred thirty-seven (437), and the Westerly one-half of Lot Four hundred thirty-eight (Wly 1/2 Lot 438);

AND

The Westerly one-half of Lot seven hundred four (Wly 1/2 Lot 704), and all of Lots seven hundred five (705), Seven hundred six (706), Seven hundred seven (707), Seven hundred eight (708), Seven hundred nine (709), and Seven hundred ten (710),

LANE'S DEMONTREVILLE COUNTRY CLUB, according to the plat thereof on file and of record in the office of the Registrar of Titles, Washington County, Minnesota.

TITLE NOTES:

(AS SHOWN ON THE MEMORIAL TO THE CERTIFICATE OF TITLE NO. 73027)

Resolution 87-32 City of Lake Elmo Washington County, Minnesota. NOW, THEREFORE, be it resolved that the transfer of ownership/title in Lane's DeMontreville Country Club shall be prohibited without the approval of the City of Lake Elmo as to the conformity of such transfer with the provisions of the Lake Elmo Municipal Code.

BENCHMARKS

ELEVATIONS BASED ON INFORMATION AS SHOWN ON THE MNDOT GEODETIC WEBSITE. SURVEY DISK 8286C WITH AN ELEVATION OF 995.90 WAS USED TO ESTABLISH VERTICAL CONTROL FOR THIS SURVEY (NAVD 88). PROJECT BENCHMARK SHOWN ON SURVEY

SURVEY NOTES:

1. BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE WASHINGTON COUNTY SURVEYORS OFFICE.
2. UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILTS PLANS PROVIDED BY THE CITY OF LAKE ELMO PUBLIC WORKS DEPARTMENT.
3. THERE MAY SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.

PROPOSED NOTES:

PROPOSED BUILDING PLANS AND ELEVATIONS PER MEYER DESIGN SERVICES DATED OCTOBER 23, 2023.

STORMWATER MANAGEMENT AS SHOWN ON PLANS BY SITE DESIGN, LLC DATED MARCH 15, 2022.

VERIFY ELEVATIONS AND DIMENSIONS WITH FINAL CONSTRUCTION PLANS AND NOTIFY CORNERSTONE IF THERE ARE ANY DISCREPANCIES.

SEPTIC

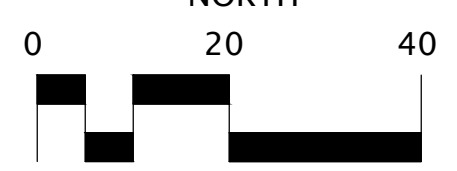
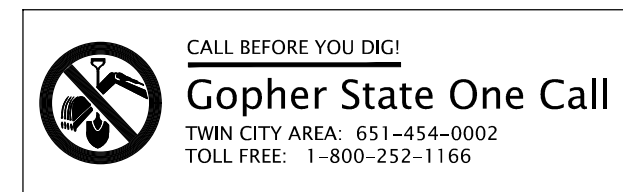
SEPTIC MANHOLE AND CLEANOUTS SHOWN ON SURVEY. SEPTIC DESIGN PER MIDWEST SEWER SERVICES REPORT DATED JUNE 27, 2021.

UNDERGROUND UTILITIES NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. GOPHER STATE ONE CALL LOCATE TICKET NUMBER(S) 180820838. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.

FLOOD INFORMATION:

PORTIONS OF THIS PROPERTY LIES WITHIN ZONE AE. AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN OTHER AREAS INCLUDING ALL BUILDINGS ARE LOCATED IN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 27163c0240e HAVING AN EFFECTIVE DATE OF FEBRUARY 3RD, 2010. THE BASE FLOOD ELEVATION OF 931.0 IS SHOWN ON THE SURVEY FOR REFERENCE PURPOSES ONLY. NOT FIELD VERIFIED.



STOUDT RESIDENCE

CONTACT:
 ANNE STOUDT
 8012 HILL TRAIL N.
 LAKE ELMO, MN 55042
 e-mail:anne.stoudt@gmail.com

COUNTY/CITY:
 WASHINGTON COUNTY
 CITY OF LAKE ELMO

REVISIONS:

DATE	REVISION
03-27-2018	INITIAL ISSUE
07-24-2021	VARIANCE SKETCH/REV
02-09-2022	VARIANCE REV
03-17-2022	ADD SEPTIC/CIVIL
03-24-2022	OWNER REVISIONS
03-25-2022	OWNER REVISIONS
10-17-2023	NEW PLANS
11-06-2023	FINAL SEPTIC/ARCH
12-05-2023	REV. DRIVE/IMP CALCS

CERTIFICATION:

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Daniel L. Thurmes
 Daniel L. Thurmes Registration Number: 25718
 Date: 11-06-2023

PROJECT LOCATION:
 8012 HILL TRAIL N.
 PID#0402921330044

Suite #1
 6750 Stillwater Blvd. N.
 Stillwater, MN 55082
 Phone 651.275.8969
 Fax 651.275.8976
 dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME SURVZZ92D
 PROJECT NO. Z205092D

PROPOSED IMPROVEMENTS SURVEY

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

RESOLUTION NO. 2022-064

A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FROM ZAWADSKI HOMES ON BEHALF OF DANIEL AND ANNE STOUTD FOR A VARIANCE TO ALLOW AN IMPERVIOUS SURFACE COVERAGE OF 19.1% ON THE PROPERTY LOCATED AT 8012 HILL TRAIL N.

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

WHEREAS, Zawadski Homes (the “Applicant”) on behalf of Daniel and Anne Stoutd, owners of the property located at 8012 Hill Trail N – Parcel 04.029.33.0044, 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 impervious surface coverage of 19.1% where a maximum of 15% is allowed; 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 May 9, 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 June 21, 2022; and

WHEREAS, the City Council considered said matter at its June 21, 2022 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 propose to expand the living space within the existing single family home, add a detached garage, and add a porch. The expansions are proposed on the east side of the home and a paved portion of the driveway will be removed in front of the existing detached garage along with a paved area to the east of the garage. The proposed expansion will increase the impervious surface coverage from 17.2% to 19.1%.
 - b) As per Table 17-3 of Section 105.12.1260 of the Lake Elmo City Code, the maximum impervious surface coverage for an unsewered lot in a Shoreland Management District is 15%.
 - c) The applicant proposes a storm water management plan to infiltrate a portion of the newly constructed impervious surfaces.
- 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 municipal code denies the applicant the use of a functional garage and adequate living space for a growing family. According to the applicant, the existing tuck under garage was built so that only compact cars fit inside. The inability to park vehicles inside creates parking problems for the owners and guests. Additionally, there is currently an inadequate amount of bedrooms for a family of six. The current home has a total of 3 bedrooms. This arrangement will not be practical in the near future.

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

The previous owners of the property chose the existing home location and constructed the existing home and tuck under. The applicant has explored other alternatives such as expanding the existing garage to lessen the total impervious coverage. Expansion of the existing garage is not practical due to its proximity to the west property line and the living space above located above.

- 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 additions would not alter the essential character of the neighborhood. The general style of the addition would be consistent with the existing principal structure. The applicant proposes to use natural colors and preserve as many trees as possible to maintain the wooded character of the neighborhood. Several surrounding properties consist of principal structures with larger footprints, consistent with what is being proposed. All required Shoreland District setbacks and property line setbacks would be met with this proposal.

- 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:

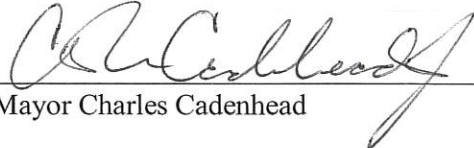
The proposed variance does not impair adjacent properties. The closest point of the proposed addition would be approximately 40 feet from the neighboring home to the east. The subject property is heavily wooded which provides natural screening from the public street and neighboring properties. The proposal would not increase the congestion of the public street or diminish 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 by Zawadski Homes on behalf of Daniel and Anne Stoudt for a variance request to allow an impervious surface coverage of 19.1% on the property located at 8012 Hill Trail N. The conditions for approval are outlined below:


1. The applicant may not exceed the proposed 19.1% impervious surface coverage unless receiving approval from the City of Lake Elmo.
2. If approved this variance shall expire if the work does not commence within 12 months of the date of granting the variance.
3. Storm water shall not be directed towards the sanitary system or neighboring properties.
4. During construction, silt fencing and other environmental measures shall be taken to preserve and protect the lake and surrounding vegetation.
5. Building materials used must be similar in color to the existing principal structure.

Passed and duly adopted this 21st day of June, 2022 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk

LAKE ELMO FIRE DEPARTMENT – OFFICE OF THE FIRE MARSHAL
Fire Prevention, Code Enforcement, and Public Education



December 13, 2023

Sophia Jensen, Planner
City of Lake Elmo

Re: Variance Review – 8012 HILL TRL N

Prepared by: Anthony Svoboda, Fire Marshal

Approved by: Dustin Kalis, Fire Chief

Applicable Codes:

- 2020 Minnesota State Fire Code
- 2020 Minnesota State Building Code
- Lake Elmo Fire Department Fire Code Policies

Fire Department Comments:

Fire Detection and Suppression

- Smoke Alarms are required in each room used for sleeping and in the hallway adjacent to sleeping areas.
- Carbon Monoxide detection is required within 10 feet of sleeping areas.

Address and Street Naming Systems

- Building address numbers shall be plainly visible from the street fronting the property and shall be contrasting color from the background.

Questions, clarifications, or the request to provide code documents can be made using the contact information listed below.

Respectfully,

Anthony Svoboda



Anthony Svoboda | Assistant Chief
Lake Elmo Fire Department
Fire Station #1 - 3510 Laverne Ave N. | Lake Elmo, MN | 55042
651-747-3907 office | www.lakeelmo.org

From: [Jack Griffin](#)
To: [Sophia Jensen](#)
Cc: [Chad J. Isakson, PE, LEED AP](#)
Subject: 8012 Hill Trail impervious surface variance request
Date: Wednesday, December 20, 2023 5:49:00 PM

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

Sophia,

Below are my comments related to the 8012 Hill Trail impervious surface variance application. Let me know if you have any questions or would like any further review from engineering.

1. Grading should be done in a manner that does not direct stormwater runoff towards the sanitary system or adjacent properties.
2. Existing well impacts. The proposed site plan shows the house addition over the existing private well. The well must be sealed in accordance with MDH requirements.
3. New Well. The site plans show a new well to be constructed. The new well must be constructed in accordance with MDH requirements and meet all required setbacks.
4. Site Plans. The site plans should show the on-site septic systems, wells, and rain gardens and should demonstrate meeting all setback requirements for each of them, including property line setbacks.

Thanks ~Jack

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



651.300.4264

Jack.Griffin@FOCUSengineeringinc.com