

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

RESOLUTION NO. 2024-042

A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FROM DAVID SCHOMOKEL AND SARAH JOHNSON FOR A LOT DIVISION AND SETBACK AND LOT DIMENSION VARIANCES ON THE PROPERTY LOCATED AT 10997 32ND STREET NORTH.

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

WHEREAS, David Schomokel and Sarah Johnson (the “Applicant”) owners of the property located at 10997 32nd Street North – Parcel 13.029.21.33.0027, Lake Elmo, MN 55042 (the “Property”) have submitted an application to the City of Lake Elmo (the “City”) for a request to divide the property back to Lot 9 and Lot 10 of Lake Elmo Park and for Variances to lot dimension, lot area, and structure setbacks.

WHEREAS, notice has been published, mailed, and posted pursuant to the Lake Elmo Zoning Code, Section 105.12.250; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on March 11th 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 April 16th 2024; and

WHEREAS, the City Council considered said matter at its April 16th 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 request includes the following components:
 - a. The applicants are proposing to divide the property back to Lot 9 and Lot 10 of Lake Elmo Park

- b. The applicant is requesting a variance for deviation from the lot width minimum of Lot 9 (60.88') and Lot 10 (59.87')
 - c. The applicant is requesting a variance for deviation from the lot area minimum of Lot 9 (17,369 SF) and Lot 10 (16,961 SF)
 - d. The applicant is requesting a variance for deviation from primary (5.5') and accessory structure (3.1') setbacks for the existing structures on lot 9.
- 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.
The applicants are proposing to split the property and maintain the single-family dwelling unit on each lot. The property already has separate utility stubs and access points. Dividing the lot would make the property consistent to how it was originally platted as Lot 9 and Lot 10 of Lake Elmo Park and clarify ownership..
- 5) **Unique Circumstances** the plight of the landowner is due to circumstances not created by the landowner:
The current property owners did not consolidate the parcels. Rural Single Family (RS) zoning does not permit two primary dwelling units on a single parcel. By dividing the lots, the applicant would be making the parcel more conforming with the RS zoning district.
- 6) **Character of Locality** the proposed variance will not alter the essential character of the locality in which the property in question is located:
No construction or alteration of structures is proposed with this request. Since the proposal is adding a single property line, the essential character should not be negatively impacted.
- 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 property is to remain in two single family dwelling units. The variances should not negatively impair adjacent properties, property values, or increase congestion on 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 lot division and variances for the property located at 10997 32nd Street North. The conditions for approval are outlined below:

1. To comply with the DNR nonconforming shoreland lots, neither property shall exceed 25% impervious surface with any current or future development.

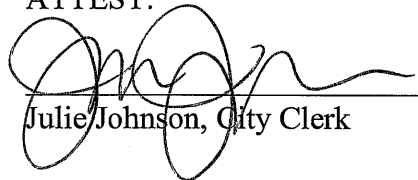
2. The structure setback variances apply only to the existing garage and house on Lot 9. Any expansion, modification beyond typical maintenance, or new construction of either structure must meet zoning district setbacks and may not encroach easements.
3. The applicant must obtain all other necessary City, State, and other governing body permits prior to release of the lot division for recording with the County.
4. The driveway segment and curb cut removal shall be completed prior to release of the lot division for recording with the County.
5. The address 10997 32nd Street North shall be assigned to Lot 9.
6. The Applicant shall work with the City and County to assign a new address to Lot 10.
7. Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.

Passed and duly adopted this 16th day of April, 2024 by the City Council of the City of Lake Elmo, Minnesota.



Jeff Holz, Acting Mayor

ATTEST:



Julie Johnson, City Clerk