

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

RESOLUTION NO. 2024-043

***A RESOLUTION APPROVING A STRUCTURE SETBACK AND OFF STREET PARKING
VARIANCE FOR THE PROPERTYS AFFILIATED WITH AMINAL INN. (8611 34th
STREET N. PIDs 16.029.21.43.0013, 16.029.21.43.0001, 16.029.21.42.0011)***

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

WHEREAS, Corwin and Katie Cheng of Animal Inn. Pet Resort and Spa Inc., 8633 34th, Lake Elmo, MN 55042, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a variance to the structure setback requirements of the limited commercial zoning district and off street parking requirements for commercial kennels for the property located at 8611 34th Street North (PIDs 16.029.21.43.0013, 16.029.21.43.0001, 16.029.21.42.0011) (the “Property”); and

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 25th 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 May 7th 2024; and

WHEREAS, the City Council considered said matter at its May 7th 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. A structure setback variance from 50 feet to 25 feet for the building addition and new animal daycare building.
 - b. An off-street parking variance for 38 stalls where 63 are required.
4. **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.

SETBACK FINDING: The property has constraints with the septic location, pet cemetery, and floodplain. The proposed location is the only feasible location for an addition. Existing facilities are at capacity and the applicant states expansion is required to remain a viable business.

OFF STREET PARKING FINDING: The applicant is not proposing any additional parking with the facility addition. The undeveloped property has significant slopes that are not suitable for parking and adding additional impervious surface and drainage.
5. **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

SETBACK FINDING: The applicants are not responsible for the layout of the current facility. Expansion is not viable in areas that meet setbacks due to grades, wetlands, septic location, and the pet cemetery.

OFF STREET PARKING FINDING: The applicant does not utilize all the parking currently in place due to the drop off/pick up structure of the business. The grading of the property is not conducive to additional parking and parking is not permitted in the fire lane. Additional parking would cause increased runoff and flooding of the structures.
6. **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

SETBACK FINDING: The variance should not impact essential character; the use of the facilities is to remain the same. The request meets the overall design intent of this area.

OFF STREET PARKING FINDING: The variance request should not impact essential character; the parking will remain as-is.
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.

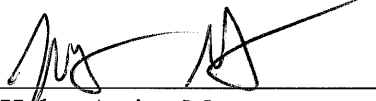
SETBACK FINDING: The request should not negatively impair adjacent properties or increase congestion on a public street. The area has natural buffers from residential areas.

OFF STREET PARKING FINDING: The variance should not impair adjacent properties or increase congestion on a public street. The parking will remain as-is.

DECISION

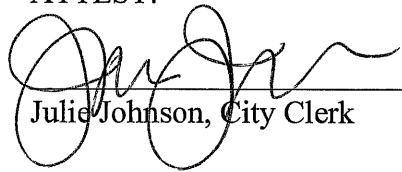
NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby approves the request.

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



Jeff Holtz, Acting Mayor

ATTEST:



Julie Johnson, City Clerk