

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

RESOLUTION NO. 2024-074

***A RESOLUTION APPROVING A VARIANCE TO ALLOW A REDUCED STRUCTURE
SETBACK OF 47.2 FEET FROM THE ORDINARY HIGH-WATER LEVEL ON THE
PROPERTY LOCATED AT 8286 HIDDEN BAY COURT NORTH***

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

WHEREAS, Jeff and Judy Otto (the “Applicants”), owners of the property located at 8286 Hidden Bay Court N, PID # 09.029.21.23.0013, Lake Elmo, MN 55042 (the “Property”) have submitted an application to the City of Lake Elmo (the “City”) to request a variance to allow a reduced structure setback of 47.2 feet from the ordinary high-water level for a new house; and

WHEREAS, notice of a public hearing 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 10th 2024; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation of approval of the variance to the City Council as part of a Staff Memorandum dated June 18th 2024; and

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

1. The Applicants are requesting a variance to allow for a reduced structure setback of 47.2 feet from the ordinary high-water level for a new single family home.
2. That the procedures for obtaining a variance are set forth in Section 105.12.320 of the Lake Elmo Zoning Code. Any action taken by the City Council to approve a variance request must meet all of the following findings:
 - a. **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: A single family house is consistent with the zoning district and shoreland overlay district. With this request the site's impervious surface will be reduced and brought into conformance (15%).

- b. Unique Circumstances** - the problem for the landowner/applicant which the intended variance is intended to correct is unique to the property in question that was not created by the landowner/applicant.

Findings: The OHWL setback and zoning setbacks on this property significantly impact buildable area. Staff finds the site revisions made from the previous request better meet the intent of the shoreland overlay code. The applicants are not proposing to encroach any further than the existing conditions.

- c. Character of Locality** - the proposed variance will not alter the essential character of the locality in which the property in question is located.

Findings: Essential character should not be altered with this request. The proposal is at the same setback as the current structure.

- d. 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.

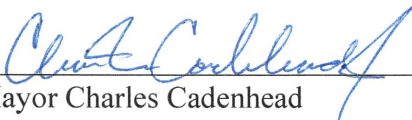
Findings: The reduced structure setback should not increase congestion on a public street or negatively impair adjacent properties.

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 Applicants' request for a variance to allow a reduced structure setback from the ordinary high-water level on the Property, subject to the following conditions:


1. This variance approval is only for a reduced structure setback from the ordinary high water level to 47.2 feet.
2. The applicant must obtain all other necessary City, State, and other governing body permits and approvals prior to construction.
3. 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 2nd day of July, 2024 by the City Council of the City of Lake Elmo, Minnesota



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk