

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

RESOLUTION NO. 2025-13

***A RESOLUTION DENYING THE SEVEN SHORELAND VARIANCE REQUESTS FOR
CONSTRUCTION OF A SINGLE FAMILY HOME ON THE PROPERTY LOCATED AT:
PID 14.029.21.24.0004 AND OUTLOT B OF NORTHSTAR 1ST ADDITION***

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

WHEREAS, Joe and Joan Chavez (the “Applicants”), owners of the property located at PID # 14.029.21.24.0004, Lake Elmo, MN 55042 and Craig Allen (Gonyea Companies), owner of Outlot B of Northstar 1st Addition PID # 14.029.21.13.0023 Lake Elmo, MN 55042 (collectively, the “Property”) have submitted an application to the City of Lake Elmo (the “City”) to request seven variances for the construction of a single family home in a shoreland and bluff zone; 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 January 27th 2025; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation of denial of the variance to the City Council as part of a Staff memorandum dated February 4th 2025; and

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

FINDINGS

1. The Applicants propose to construct a new house and driveway on the Property which would require seven variances, listed below:

Request	Required	Proposed
105.12.1260 Table 17-3 - OHWL Structure Setback	150'	120'
105.12.1260 Table 17-3 - Structure Setbacks from Bluff	30'	In Bluff
105.12.1260 (7)(a) - Principal Structure In Bluff Area	Not Permitted	In Bluff
105.12.1260 (7)(c) - Vegetative Clearing In Bluff Impact Zone/Steep Slopes	Not Permitted	Proposed
105.12.1260 (5)(a) - Subdivision Standards, Suitable Lot	Not Permitted	Proposed
105.12.1260 (5)(b) Subdivision Standards, Variances Required	Not Permitted	Proposed
105.12.1260 (7)(e) - Grading In Shoreland Areas	Not Permitted	Proposed

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 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:** *The practical difficulties criteria is about what is reasonable given the purpose of the ordinance, not what is reasonable to the applicant. The request should be the minimum necessary to achieve the purpose of the ordinance. Enjoyment of the parcel in its natural state, building a smaller house, moving the house further from the lake, or even using the property as an access to Sunfish Lake, are reasonable and sufficient uses of the property. Staff finds that constructing a large single family home is not a necessity in this sensitive natural area. Practical Difficulties Criteria is not met.*
- 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 were not created by the land owner/applicant. **FINDINGS:** *Staff understands that the Applicants have owned this property for many years and did not create their parcel. While the bluff setback requirements and shoreland overlay restrictions may have not been in place when the property was purchased, any future development is required to adhere to them. In addition, the Applicants have the ability to acquire additional property by revising the outlot shape within NorthStar to create a site design that requires minimal or no variances. The Applicants may also change the location of the house or decrease its size. The Applicants have not demonstrated any attempts to avoid variances based on the size or placement of the home or attempts to acquire more property. Unique Circumstances Criteria is not met.*
- 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:** *The Applicants are proposing to develop their property that is situated within a natural bluff and shoreland area citing that there are existing adjacent residential homes. Staff finds that the existing homes along the South and West were built many years ago, likely under different less restrictive requirements. Development on the North and East side of the lake, adjacent to this parcel, such as Hamlet on Sunfish Lake and Northstar were developed to avoid these sensitive areas. This request directly conflicts with the bluff and shoreland regulations that were implemented to protect these sensitive areas. Character of Locality Criteria is not met.*
- 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:** *Although no streets or infrastructure are*

*currently in place to accommodate this request, the request would only add one single family home. Given that the request only consists of the construction of one home, there should not be an increase in congestion on a public street or will the proposed home substantially diminish adjacent property values. **Adjacent Properties and Traffic Criteria is met.***

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 denies the Applicant's seven variance requests to construct a new home on the Property.

Passed and duly adopted this 4th day of February 2025 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk