

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

RESOLUTION NO. 2009-040

*A RESOLUTION APPROVING VARIANCE FROM THE MAXIMUM IMPERVOUS COVERAGE
RATIO IN AN R-1 ZONING DISTRICT TO ALLOW CONSTRUCTION OF AN ADDITION AT
8199 HILL TRAIL NORTH*

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

WHEREAS, Greg and Kathleen Lohmer, 8199 Hill Trail North (the “Applicants”) have submitted an application to the City of Lake Elmo (the “City”) for a variance to allow the construction of a 147 square foot addition and associated breezeway that would add 112 square feet of additional impervious surface coverage to a lot that already exceeds the maximum coverage allowed under the R-1 Zoning District, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on September 14, 2009; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated October 6, 2009; and

WHEREAS, the City Council considered said matter at its October 6, 2009 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the Board of Adjustment makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.

- 2) That all the submission requirements of said 154.017 have been met by the Applicant.
- 3) That the proposed variance is to allow the construction of a 147 square foot addition and associated breezeway that would add 112 square feet of additional impervious surface coverage to a lot that already exceeds the maximum of 25% coverage allowed under the R-1 Zoning District
- 4) That the Variance will be located on property legally described as Lot 6, Block 1, J.L. Cohn Subdivision, Washington Co., Minnesota.
- 5) The proposed addition cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists. *The applicants cannot expand anywhere on the lot beyond the present footprint of the house without a variance, and have stated that it is not possible to accomplish modern upgrades to the house without a small addition beyond the present foundation. It is not feasible to remove existing walkways and steps that are built into a hillside to offset the increased impervious coverage. The addition could be built under the Shoreland Standards without a variance.*
- 6) The plight of the landowner is due to the physical conditions unique to the land and are not applicable to other lands, structures, or buildings in the same zoning district. The site is unique. *The applicants' parcel is smaller than many of the lots within the R-1 zoning district and has a triangular shape that further reduces the amount of buildable land compared to other properties in the area. The shape of the lot does not allow for further reductions in impervious coverage to offset the proposed increase.*
- 7) The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations. *The applicants' lot was created before the City's zoning regulations were adopted. The applicants have not made any improvements to the site that would alter their ability to build an addition that complies with the zoning regulations.*

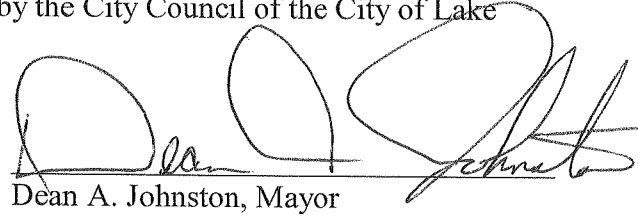
CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Variance is granted.

1. The applicant shall provide for proper management of storm water away from the new addition and shall not direct this water on to any neighboring property.
2. No new sidewalks or other pathways may be installed on the site to accommodate for the sidewalks impacted by the new construction. Any new sidewalk must be offset by the removal of the same area of existing impervious surfaces.

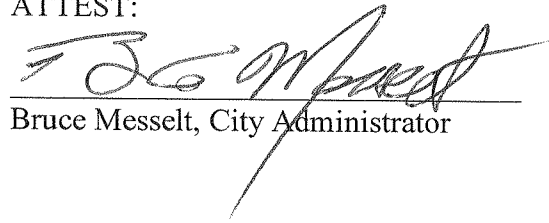
3. The property will be verified as compliant with the City's Shoreland Buffer requirements, in effect at the time of approval, by the Washington Conservation District.

Passed and duly adopted this 6th day of October 2009 by the City Council of the City of Lake Elmo, Minnesota.



Dean A. Johnston, Mayor

ATTEST:



Bruce Messelt, City Administrator