



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/21/16

Consent

ITEM #: 16

MOTION

AGENDA ITEM: Vue Exception to allow accessory structure closer to front lot line than principal structure.

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Kristina Handt, City Administrator
Emily Becker, City Planner

BACKGROUND:

Mae Vue and Jeerasak Poophakumpanart, the owner of a 40 acre parcel at 2675 Legion Avenue, are requesting an exemption from the requirement that accessory structures be located no closer to the front lot line than the principal structure. The City of Lake Elmo Code, Section 154.406, D. prohibits accessory structures from being located closer to the front lot line than the principal structure unless by Resolution of City Council, an exception is granted. The owners are requesting such an exemption.

This item was pulled from the 5/17/16 Consent Agenda so Staff could provide additional information to the Council. Staff has again placed this item on the Consent Agenda and is recommending approval.

ISSUE BEFORE COUNCIL:

Approve Resolution 2016-__ to grant an exemption to allow an accessory structures to be located closer to the front lot line than the principal structure.

PROPOSAL DETAILS/ANALYSIS:

The owners of 2675 Legion Avenue, recently constructed a home on the northwest corner of their property, more or less on the high point of the property. Access to their property is from a long driveway that extends over an unbuilt Legion Avenue right of way, to the south of the property. The City Council recently granted an encroachment to the Legion Avenue right of way for their driveway in order to allow the construction of the driveway on the Legion Avenue right of way, providing access to the property. Although the property access is to the south, the front property line is along the Legion Avenue easement on the west side of the property. This unbuilt Legion Avenue easement is 41.48 foot wide, at present, too narrow to construct a street without additional right of way from the property to the west. There are no plans to construct an extension of Legion Avenue, nor are there any public utilities planned for the easement at this time. The owners would like to locate an accessory structure to the south and west of their home, closer to the front property line than the principal structure. The new accessory structure would be located 25' from the Legion Avenue easement. The home is located 68.4 feet from Legion Avenue easement (the front property line).

This exemption by resolution provision in the City Zoning Code has been approved at least 19 times in the past according to available records. It is unknown if similar situations were required to use the variance process.

FISCAL IMPACT:

None

OPTIONS:

To deny or approve.

RECOMMENDATION:

Staff recommends the City Council approve Resolution 2016-__ approving an exemption to allow an accessory structure closer to the front property line than the principal structure. If this item is removed from the Consent Agenda, Staff recommends the following motion:

“Move to recommend approval of Resolution 2016-__ approving an exemption to allow an accessory structure closer to the front property line than the principal structure at 2675 Legion Avenue”.

ATTACHMENT:

- Resolution 2016-__

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

RESOLUTION NO. 2016-43

***A RESOLUTION APPROVING AN EXEMPTION FROM CODE SECTION 154.406, D TO
ALLOW AN ACCESSORY STRUCTURE CLOSER TO FRONT PROPERTY LINE THAN
PRINCIPAL STRUCTURE.***

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

WHEREAS, the owners of a residential property at 2675 Legion Avenue, Mae Vue and Jeerasak Poophakumpanart would like to construct an accessory structure to be located closer to the front property line than the principal structure; and

WHEREAS, the City of Lake Elmo Code of Ordinances, Section 154.406, D prohibits accessory structures closer to front property lines than the principal structure unless an exemption is granted by City Council resolution; and

WHEREAS, the City Council considered the said matter at its May 17, 2016 meeting; and

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

FINDINGS

1. The proposed accessory structure will comply with the City's accessory structure ordinances and zoning district regulations, with the exception as approved by this Resolution.
2. The proposed accessory structure location has been reviewed by the City Staff and the City Engineer and the location appears to poses no threat, nor impact any City project or plans.
3. The proposed accessory structure will pose no threat to the health, safety and welfare of the public.

BE IT RESOLVED THAT the City Council does hereby approve the exemption from the front property setback, complying with Section 154.406, D of the City of Lake Emo's Code of Ordinances.

This resolution was adopted by the City Council of the City of Lake Elmo on this 17th day of May, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.