



## 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

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### **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 2016-43 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).

### **FISCAL IMPACT:**

None

**OPTIONS:**

To deny or approve.

**RECOMMENDATION:**

Staff recommends the City Council approve Resolution 2016-43 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 2016-43 approving an exemption to allow an accessory structure closer to the front property line than the principal structure at 2675 Legion Avenue”.*

**ATTACHMENT:**

- Resolution 2016-43

**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.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

# CERTIFICATE OF SURVEY

~for~ Kootenia Homes  
~of~ Vue Residence

## LEGAL DESCRIPTION

That part of the South Half of the Northeast Quarter of Section 24, Township 29, Range 21, EXCEPT the north 35.48 acres thereof, described as follows:

Commencing at the east quarter corner of said Section 24, a found cast iron monument; thence South 89 degrees 49 minutes 25 seconds West a distance of 1969.17 feet along the southerly line of said Northeast Quarter of Section 24 to the point of beginning; thence thence South 89 degrees 49 minutes 25 seconds West a distance of 654.94 feet along said southerly line of said Northeast Quarter of Section 24; thence North 00 degrees 15 minutes 37 seconds West a distance of 730.89 feet along the westerly line of said Northeast Quarter of Section 24; thence North 89 degrees 41 minutes 54 seconds East a distance of 654.94 feet along the southerly line of said north 35.48 acres; thence South 00 degrees 15 minutes 37 seconds East parallel with said westerly line of the Northeast Quarter of Section 24 a distance of 732.32 feet to the point of beginning.

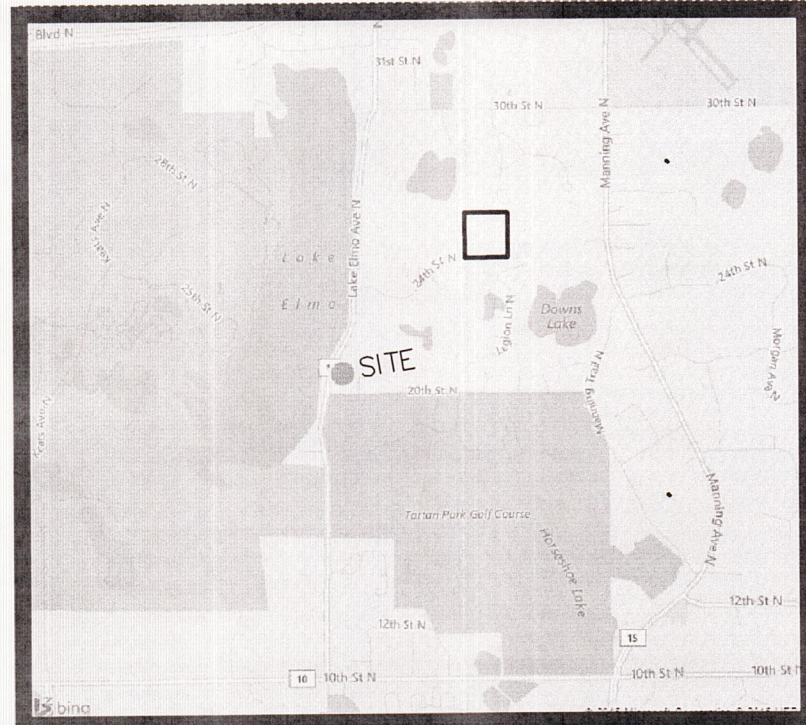
Said parcel is subject to an easement for road purposes over the westerly 41.48 feet thereof for Legion Avenue north and subject to an easement for road purposes over the southerly 30 feet of 25th Street North and subject to all other encumbrances and easements.

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 1/05/16.
- Bearings shown are on a Washington County NAD83 (1996) datum.
- Benchmark: GSD Station#33723; MndOT Name "S 27" Elevation 935.98 (NAVD88). Located near junction of 33rd Street and Lake Elmo Road.
- Contours from MnDNR Lydar mapping (NAVD88), supplemented by field shots taken 1/5/16.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- Soil borings and septic design by Tradewell Soil Testing report dated Feb. 10, 2016.

## VICINITY MAP

PART OF SEC. 24, TWP. 29, RNG. 21  
WASHINGTON COUNTY, MINNESOTA



DRAWN BY: dwo		JOB NO: 15842HS		DATE: 1/06/16	
CHECK BY:		SCANNED <input type="checkbox"/>			
1	1/19/16	ADDED PROP. SEPTIC, BORINGS			BPN
2	1/21/16	REVISED BUILDING DIMENSIONS			BPN
3	2/18/16	ADD EASE. & STORMWATER INFO			DWO
4	2/25/16	ADD EASE. & STORMWATER INFO			DWO
5	3/02/16	REVISE EASE. & STORMWATER INFO			DWO
6	4/12/16	ADD POLS			DWO
7	4/18/16	REVISE HOUSE DIM.			DWO
8	4/29/16	REVISE DRIVEWAY			DWO
NO.	DATE	DESCRIPTION			BY:

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Daniel W. Obermiller*  
Daniel W. Obermiller

Date: 4/29/16 License No. 25341

**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN. 55014  
Tel. (651) 361-8200 Fax (651) 361-8701

## LEGAL DESCRIPTION OF PROPOSED DRAINAGE EASEMENT

An easement for drainage purposes over and across that part of the South Half of the Northeast Quarter of Section 24, Township 29, Range 21, EXCEPT the north 35.48 acres thereof, described as follows:

Commencing at the east quarter corner of said Section 24, a found cast iron monument; thence South 89 degrees 49 minutes 25 seconds West a distance of 1969.17 feet along the southerly line of said Northeast Quarter of Section 24 to a point hereinafter to be referred to as "point A"; thence continuing South 89 degrees 49 minutes 25 seconds West a distance of 99.00 feet along said southerly line of said Northeast Quarter of Section 24 to the point of beginning of the easement to be described; thence continuing South 89 degrees 49 minutes 25 seconds West a distance of 168.73 feet along said southerly line of said Northeast Quarter of Section 24; thence North 19 degrees 37 minutes 51 seconds East 355.73 feet; thence North 07 degrees 30 minutes 50 seconds East 115.31 feet; thence North 37 degrees 07 minutes 09 seconds East 216.44 feet to a line down North 00 degrees 15 minutes 37 seconds West from said "Point A"; thence South 00 degrees 15 minutes 37 seconds East 283.65 feet; thence South 07 degrees 11 minutes 22 seconds West 154.23 feet; thence South 22 degrees 54 minutes 12 seconds West 200.84 feet to said point of beginning.

Said easement is subject to an easement for road purposes over the southerly 30 feet for 25th Street North.

## LEGAL DESCRIPTION OF RAIN GARDEN EASEMENT

An easement for rain garden purposes over and across that part of the South Half of the Northeast Quarter of Section 24, Township 29, Range 21, EXCEPT the north 35.48 acres thereof, described as follows:

Commencing at the east quarter corner of said Section 24, a found cast iron monument; thence South 89 degrees 49 minutes 25 seconds West a distance of 1969.17 feet along the southerly line of said Northeast Quarter of Section 24; thence continuing South 89 degrees 49 minutes 25 seconds West a distance of 267.73 feet along said southerly line of said Northeast Quarter of Section 24; thence North 19 degrees 37 minutes 51 seconds East 355.73 feet; thence North 70 degrees 22 minutes 09 seconds West 84.18 feet to the point of beginning of the easement to be described; thence South 15 degrees 35 minutes 06 seconds West 147.68 feet; thence South 21 degrees 36 minutes 06 seconds West 110.07 feet; North 68 degrees 23 minutes 54 seconds West 48.71 feet; thence North 21 degrees 32 minutes 09 seconds East 112.56 feet; thence North 10 degrees 22 minutes 37 seconds East 132.28 feet; thence North 72 degrees 57 minutes 47 seconds West 95.59 feet; thence North 24 degrees 14 minutes 20 seconds East 21.91 feet; thence North 82 degrees 49 minutes 33 seconds East 109.42 feet; thence South 26 degrees 04 minutes 50 seconds East 77.73 feet to said point of beginning.

## LEGAL DESCRIPTION OF RAIN GARDEN ACCESS EASEMENT

A 12 foot wide easement for rain garden access purposes over and across that part of the South Half of the Northeast Quarter of Section 24, Township 29, Range 21, EXCEPT the north 35.48 acres thereof. Said 12 foot wide easement lies to the right of and is contiguous with the following described line:

Commencing at the east quarter corner of said Section 24, a found cast iron monument; thence South 89 degrees 49 minutes 25 seconds West a distance of 1969.17 feet along the southerly line of said Northeast Quarter of Section 24; thence South 89 degrees 49 minutes 25 seconds West a distance of 267.73 feet along said southerly line of said Northeast Quarter of Section 24 to the point of beginning of the line to be described; thence North 19 degrees 37 minutes 51 seconds East 355.73 feet; thence North 70 degrees 22 minutes 09 seconds West 100.00 feet and said line there terminating.

Said easement is subject to easements for road purposes for 25th Street North.

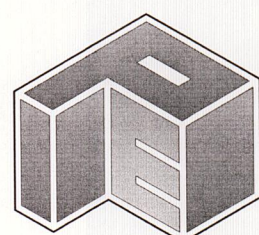
## LEGEND

- DENOTES 1/2" SET IRON MONUMENT (RLS#25341)
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES WASHINGTON COUNTY CAST IRON MONUMENT
- DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES TREE LINE
- DENOTES PROPOSED SILT FENCE
- DENOTES DIRECTION OF SURFACE DRAINAGE
- DENOTES PROPOSED ELEVATION
- DENOTES SOIL BORING. (BY MARK TRADEWELL)
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES GRAVEL SURFACE

## STORM WATER MANAGEMENT NOTES

- SEE "STORM WATER POLLUTION PREVENTION PLAN (SWPPP)" SHEET C1.1 AND C1.2 FOR ADDITIONAL GRADING AND EROSION AND SEDIMENT CONTROL INFORMATION.
- SEE SHEET C1.2 FOR "RAIN GARDEN" DETAIL.
- VALLEY BRANCH WATERSHED DISTRICT REQUIRED PRIOR TO START OF SITE DISTURBANCE.

STORM WATER MANAGEMENT PLAN  
-BY- PLOWE ENGINEERING



6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014

PHONE: (651) 361-8210  
FAX: (651) 361-8701

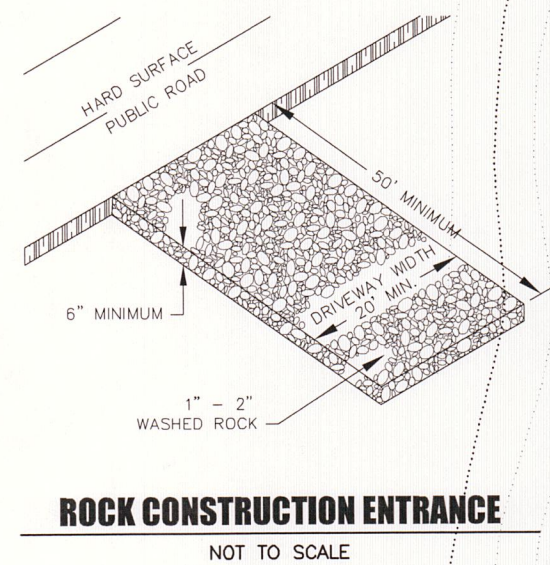
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Adam Ginkel*  
ADAM GINKEL

DATE: 03.02.2016 LIC. NO. 43963

DIA: 65.83x112.00=129.91

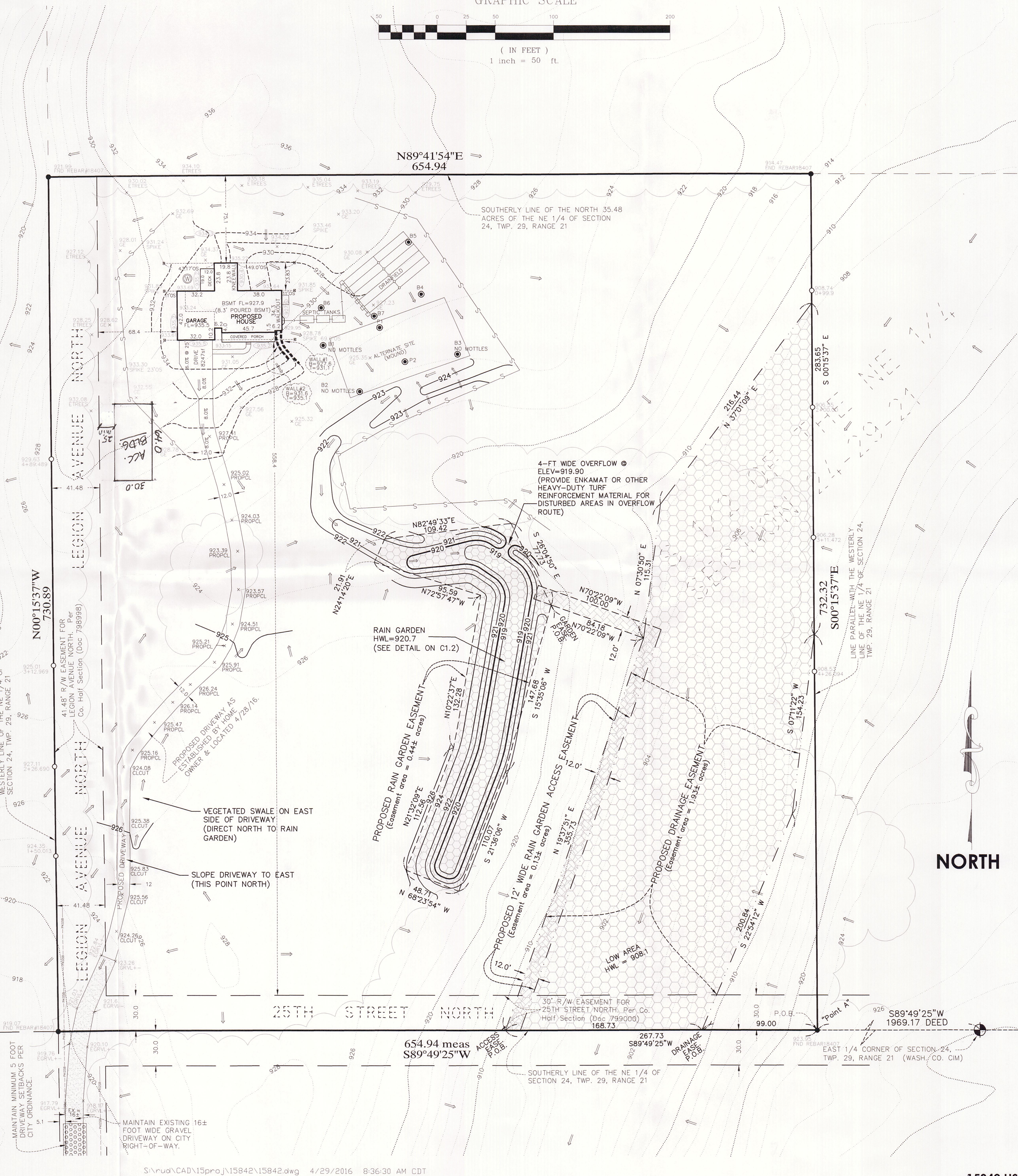
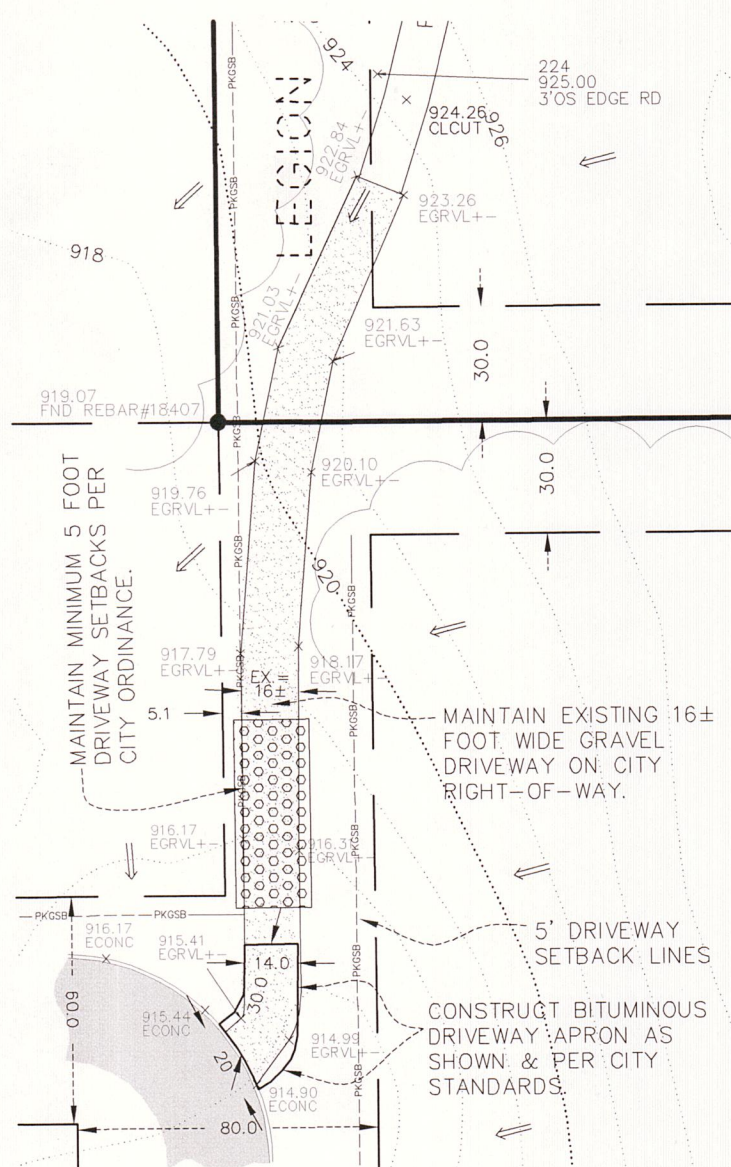
(8.3' POURED BSMT WALKOUT)  
PROPOSED ELEVATIONS:  
TOP OF BLOCK = 935.9  
GARAGE FLOOR = 935.5  
LOWEST FLOOR = 927.9  
TOP OF FOOTING = 927.6



## IMPERVIOUS AREA CALCULATIONS

- Gross lot area = 479,156 sq. ft. (11.00± Acres)
- Existing impervious surface = 0 sq. ft. (0.0%)

PROPOSED IMPERVIOUS SURFACE AREA:  
House, garage, porch = 4,245 sq. ft.  
Deck = 192 sq. ft.  
Walks = 196 sq. ft.  
Driveway = 8,247 sq. ft.  
Total proposed impervious area = 12,880 sq. ft. (2.97%)



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