



## **STAFF REPORT**

DATE: 07/19/2022

**REGULAR**

**TO:** City Council  
**FROM:** Ben Hetzel, Lake Elmo City Planner  
**AGENDA ITEM:** Side Yard Setback Variance Request at 1567 Ivory Ave N  
**REVIEWED BY:** Molly Just, Planning Director

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### **INTRODUCTION:**

Al Woolhouse (Applicant) on behalf of Brenda LeCuyer (Property Owner) recently submitted an application for a side yard setback variance for the property located at 1567 Ivory Avenue N located in the subdivision of Parkview Estates Open Space PUD– Parcel 28.029.21.13.0015 (Subject Property). The property owner is proposing to construct a detached garage to the southeast of the existing home and southwest of an existing in-ground pool and patio. To do this, the applicants are requesting to encroach within the 15 foot side yard setback as required by the Open Space PUD zoning district. The proposed garage would be placed at the end of an existing driveway and abut a 5-foot drainage and utility easement located along the south property line. The applicant is requesting the maximum relief from the setback while not placing the structure within the drainage and utility easement.

The Lake Elmo Planning Commission recommended approval of the request with conditions with a 3-2 vote at the June 13, 2022 Planning Commission meeting. The two Commissioners voting against the request felt that the qualifications for a variance were not met.

### **ISSUE BEFORE THE CITY COUNCIL:**

The City Council is to review, and make a determination on the request to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Ave N.

### **VARIANCE REQUEST DETAILS/ANALYSIS:**

<i>Address:</i>	1567 Ivory Ave N
<i>PID:</i>	28.029.21.13.0015
<i>Existing Zoning:</i>	Rural Single Family, Open Space PUD, Valley Branch Watershed District
<i>Surrounding Zoning:</i>	North, South, & East: Open Space PUD West: Public Facilities
<i>Deadline for Action:</i>	Application Complete – 5/31/2022 60 Day Deadline – 7/31/2022 Extension Letter Mailed – N/A 120 Day Deadline – N/A
<i>Applicable Regulations:</i>	Article V - Zoning Administration and Enforcement Article XVII – Open Space Planned Unit Developments

**Reason for Request:** The applicant proposes to construct a 24-foot by 40-foot detached garage within the required 15-foot side yard setback. The required side yard setback for Open Space PUD zoning is 15-feet or ten percent of the lot area as per Section 105.12.1050(6)b.1.v.

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**REVIEW AND ANALYSIS/DRAFT FINDINGS:**

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 set forth by the MN Stat. 462.357 subd.6 before the City may grant an exception or modification to city code requirements. These criteria are listed below, along with comments from Staff about the applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "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 applicant states that meeting the required setback near the desired building location would involve the removal and replacement of a portion of professional landscaping and create a visible obstruction of an immovable playset. In addition, meeting the 15 foot setback would result in an obstruction in front of the proposed garage door due to the existing well location. The applicant is aware of the possibility to connect to city water, but also understands that it would not be required. The applicant claims that the garage cannot be built on the north side of the home due to HOA rules and septic system components. The City does not enforce HOA rules and only requires accessory structure placement to be in the side or rear yard. City code would define the front yard to the west and side yard to the north. The City has documentation indicating that the referred to septic system is located on outlot E on the other side of Ivory Ave N allowing for buildable area to the north.*

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

***FINDINGS:***

*The applicant has not proven that unique circumstances that justify the need for a variance were not created by the property owners. While the existing well location may not have been determined by the current property owners, there is no clarification whether the property owners are responsible for the professional landscape placement or playset location. The applicant has the opportunity to connect to city water and abandon the well, which would allow the proposed garage to meet the 15 foot side yard setback. The property owner would be establishing a self-created hardship by deciding not to connect to city water.*

- 3) **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 proposed garage location would not alter the essential character of the surrounding area. The garage would be located in the rear yard. The structure would be screened from the neighboring homes to the northeast and southeast by existing trees. The other neighboring home to the southwest would be approximately 113 feet from the proposed garage.*

- 4) 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 proposed variance does not impair adjacent properties. The proposed addition will not face a public street and is screened from 2 out of 3 adjacent properties by existing vegetation. The building location would also be screened from Ivory Ave due to existing trees at the driveway entrance and the existing home location. Approval of the variance would not result in increased public street congestion or diminished property values.*

**CITY AGENCY REVIEW:**

This request was distributed to several city departments for review on April 8, 2022. The following departments provided comments on the variance request.

**City Engineer (Memo)**

1. The connection to city water will be available in October 2022, allowing abandonment of the private well that the applicant identified as a reason for needing a variance.
2. The 5-ft drainage and utility easement should be fully preserved to maintain a shared drainage way for abutting lots. Construction of a garage immediately along the easement has the effect of reducing the area available to accommodate drainage equally.

**Fire Department (email)**

Ensure the address numbers are plainly visible from the street fronting to property and shall be contrasting color from the background.

**City Attorney (email)**

The applicant will have to prove that there are practical difficulties for not constructing the garage north of the home in a compliant location.

**PUBLIC COMMENT:**

A hearing notice was sent to surrounding properties on June 1, 2022. A hearing notice was published in the local newspaper on June 3, 2022. Staff received three public comments via email from surrounding property owners. Two public comments were in support of the request, while one was against the request.

**FISCAL IMPACT:**

None

**RECOMMENDED CONDITIONS OF APPROVAL**

1. Building materials used must be aesthetically similar to the existing home.
2. All stormwater runoff from the proposed garage shall be contained on the applicant's property. Stormwater shall not be directed onto adjacent properties.
3. This variance approval is only for a reduced setback from the south property line.
4. If approved this variance shall expire if the work does not commence within 12 months of the date of granting the variance.

**OPTIONS:**

The City Council may:

- Approve the request.
- Approve the request with conditions.
- Deny the variance, citing findings of fact for denial.

**RECOMMENDATION:**

Staff recommends that City Council deny the request from Al Woolhouse on behalf of Brenda LeCuyer for a variance to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.

*“Move to deny Resolution No. 2022-070, denying the request from Al Woolhouse on behalf of the property owner Brenda LeCuyer for a variance to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.”*

**RECOMMENDED FINDINGS FOR DENIAL**

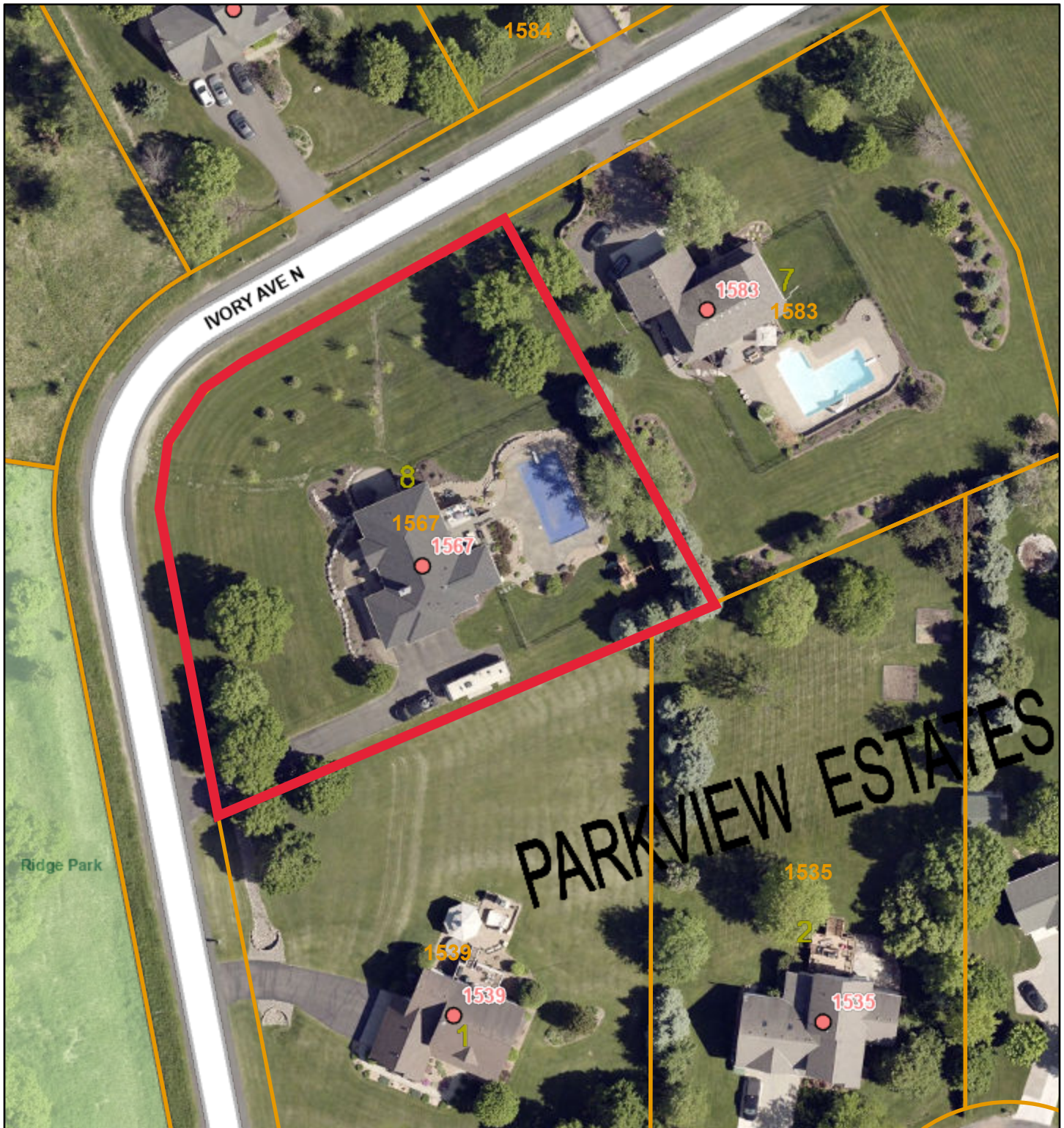
1. The applicant is Al Woolhouse on behalf of the property owner Brenda LeCuyer.
2. The applicant has provided a complete variance application in conformance with Section 105.12.320.
3. The applicant has not proven that strict enforcement the Lake Elmo City code would cause practical difficulties.
4. The applicant has not proven that the plight of the landowner is due to unique circumstances not created by the landowner.
5. The proposed variance would not alter the essential character of the surrounding neighborhood.
6. The proposed variance would not impair adjacent properties.

**ATTACHMENTS:**

- 1) Land Use Application
- 2) Written Statements
- 3) Amended written statements
- 4) Location Map
- 5) Garage location pictures

- 6) Certificate of Survey
- 7) Proposed garage plans
- 8) Septic System Documentation
- 9) City Engineer Memo
- 10) Fire Department email
- 11) City Attorney email
- 12) 2 Neighboring property owner emails
- 13) June 13<sup>th</sup> Planning Commission Meeting Minutes

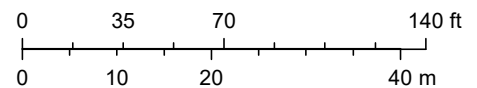
# ArcGIS Web AppBuilder



5/31/2022, 12:15:31 PM

1:1,128

Parcels	Parks	MNWASH032009.sid
Easement Lines	CITY	Red: Band_1
COMPUTED UTILITY_DRAINAGE	MNWASH038007.sid	Green: Band_2
CONSERVATION	Red: Band_1	Blue: Band_3
Address Points	Green: Band_2	MNWASH026009.sid
	Blue: Band_3	Red: Band_1



Esri Community Maps Contributors, Metropolitan Council, MetroGIS, Washington County, MN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



## Conversation with City of Lake Elmo on variance requirements.



Sent from my iPhone

Begin forwarded message:

**From:** Ben Prchal <[BPrchal@lakeelmo.org](mailto:BPrchal@lakeelmo.org)>  
**Date:** April 30, 2021 at 12:21:40 PM CDT  
**To:** Brenda LeCuyer <[brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)>  
**Subject:** RE: Detached garage

E.

I do not know what/if there is a required setback from a well. Though, I would recommend a setback in case you need to replace the well or work on it. I would suggest following up with the building department to see if there is language in the building code regarding a setback from a well.

I have attached the variance application packet which you will need to fill out for review. One thing that I will say, in your narrative it will be important to point out that the well is in the way and that it impacts meeting the setback. An additional item to keep track of is why does it need to go there? For example I could see them asking why the addition cannot be added onto the street side or elsewhere on the lot. Again, just something to prepare for.

Please follow up with additional question, thank you.

**From:** Brenda LeCuyer [<mailto:brenlecuyer@gmail.com>]  
**Sent:** Friday, April 23, 2021 3:01 PM  
**To:** Ben Prchal <[BPrchal@lakeelmo.org](mailto:BPrchal@lakeelmo.org)>  
**Subject:** Re: Detached garage

**Caution:** This email originated outside our organization; please use caution.

Hi Ben,

Thank you for the information and yes, I would like to fill out the form to try and get approval. I reviewed all of your explanations and understand that approval is not guaranteed. I realize driveway alignment is not a major obstacle, but I failed to mention that we have a well water pump that is really the main issue of getting the building too close to the house since it's on this side of house and will also need a clearance due to where it is located. I had a contractor come look at space and he said that there is no way to have a standard door opening with the current set back due to well placement. What is the distance needed from a well? Can you send me the forms needed so I can work on them.

I really appreciate all of the details and clarity you provided in the email which is super helpful.

Thanks,  
Brenda



On Apr 9, 2021, at 1:18 PM, Ben Prchal <[BPrchal@lakeelmo.org](mailto:BPrchal@lakeelmo.org)> wrote:

You can make the request if you would like but I think it is important to review the information below. There are four points that the request needs to be reviewed against and all four need to have a "positive" finding. My examples below are general examples and not necessarily specific to your lot.

Variance:

**F. Required Findings.** Any action taken by the Board of Adjustment to approve or deny a variance request shall include the following findings:

1. **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.

a. Definition of Practical Difficulties. "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.

Essentially is the request reasonable? I think this can be a tough one to address since reason can vary from person to person. The request in itself may be reasonable but the conditions of the request may not be reasonable. For example, it is generally reasonable for a property to ask for an accessory building but it may not be reasonable for a property to request an accessory building that is 2 ft. from the property line when a 10 ft. setback can be achieved.

2. **Unique Circumstances.** The problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant.

This is kind of a two part question. Did you (the property owner) cause the "issues" on site/are you (as the owner) the reason a variance is required. If no, then what is unique about your property that variance approval is warranted? For example, compared to other lots or requests



Hi Al,

My husband has provided answers to the questions Ben asked below. Please add these to the application and submit prior to June 1st deadline.

We didn't answer "e" as we weren't sure what to put if you have any suggestions.

Thanks!  
Brenda



Sent from my iPhone

Begin forwarded message:

From: "LeCuyer, Allen M"

<[allen.lecuyer@usbank.com](mailto:allen.lecuyer@usbank.com)>

Date: May 27, 2022 at 1:43:47 PM CDT

To: Brenda LeCuyer

<[brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)>

Subject: FW: Fw: Fwd: Variance Application

e.

f. The 1567 Ivory Ave N property has a very limited area that would allow the addition of a garage that would not cause an additional substantial financial obstacle to build. Strictly enforcing the Lake Elmo chapter on where a structure could be built would require the homeowners to remove a significant

portion of professional landscaping that is used for privacy and aesthetics in the backyard. Removing the established landscaping would require the homeowners to pay for professional services to remove the existing landscaping and in turn, create/install new landscaping needed for privacy. Finally, and most importantly, the home has an unmovable playset that the young children of the homeowners spend significant time on. Building the garage within the guidelines of the Lake Elmo chapter would cause the garage to obstruct the view of the playset from the home, resulting in the homeowners not being able to comfortably see their children when playing on the playset.

g. The property at 1567 Ivory Ave N already had many large mature evergreen trees on the property when purchased. Those trees, which surrounding properties too enjoy for privacy between homes, are located in the only available, logistical area a garage could be built on the property. Removing the trees would cause a financial hardship on the homeowners as well as negatively impact the aesthetics of multiple properties. In addition, building the garage within the Lake Elmo chapter would require the garage to be built on the existing, in use well. The homeowners are aware that the home may be eligible for city sewer in the future, but the homeowners, knowing continued use of well and septic is an option, have not decided whether to covert the home.

h. Building the garage closer to the lot line with an approved variance would have little to no effect on the neighbors, the neighborhood, or the character of the property. The area the garage would be built on with an approved variance is next to neighbors large backyards and still very far from their houses. In addition, as mentioned above, there are large mature trees that would block the view of the garage from one of the two neighbors this area of the property is against. The variance is asking for the garage to be permitted to be approximately ten feet closer to the property line than if it were within Lake Elmo guidelines, meaning while garage would be closer than guidelines, it would not be significantly visually closer to the property line than without a variance.



From: Ben Hetzel <[BHetzel@lakeelmo.org](mailto:BHetzel@lakeelmo.org)>  
Date: May 27, 2022 at 9:44:34 AM CDT  
To: [brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)  
Cc: Al Woolhouse <[alwoolhouse4151@gmail.com](mailto:alwoolhouse4151@gmail.com)>  
Subject: Variance Application



See note from Ben below to include why we can't use other sides our property.

Please include:

The west side of our property is the front yard of our house and the north side holds our septic system and drain field that runs through to across the street which would make it impossible to build in these areas without relocating a septic system and which would ruin the character in the neighborhood and it needs to also meet the criteria of maintaining the rules of our homeowner association to meet the ascetic in the neighborhood.



Please let me know if this will work.

Thanks,  
Brenda

Sent from my iPhone

Begin forwarded message:

From: Ben Hetzel <[BHetzel@lakeelmo.org](mailto:BHetzel@lakeelmo.org)>  
Date: May 27, 2022 at 4:12:28 PM CDT  
To: [brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)

## Subject: FW: Variance Application

Brenda,

I also received a comment from other Agency Reviewers today who make a good point. What is the justification for the building location when you can build to the north of the house or to the west? Open Space PUD zoning is one of the only zoning districts that do not regulate accessory structure placement from the front and side yard.

Be sure to address this point in your narrative and answering of questions as well!!

Ben Hetzel  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042  
651-747-3911



From: Ben Hetzel  
Sent: Friday, May 27, 2022 9:45 AM  
To: [brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)  
Cc: Al Woolhouse <[alwoolhouse4151@gmail.com](mailto:alwoolhouse4151@gmail.com)>  
Subject: Variance Application

Brenda,

Al said I should reach out to you. I also left you a voicemail.

The City Engineer notified me that your property will be eligible for City Water hookup in October. With that being said, there is an opportunity to hook up to city water and abandon your well, which would allow your garage to conform to all setbacks.

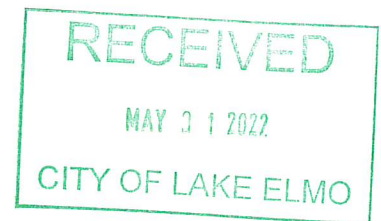
The whole justification presented by you and Al as the applicants, is that the well is reason a variance should be granted. My concern is now that there is an option to abandon the well, City Council could have good reason to deny the variance request. I am not saying that will happen, but it is a good possibility. Ultimately, the decision lies with City Council. I wanted to give you all the information I have at this point to make an informed

**decision. You have the following two options:**

- 1. Withdraw the Variance application, hook up to city water, abandone well, meet all setbacks**
  - 2. Continue with the variance request, provide me with new narrative and answers to questions shown below.**
- 
- e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.
  - f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.
  - g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.
  - h. Justify that the granting of the variance would not alter the essential character of the neighborhood.

**I need a decision and/or items above by June 1<sup>st</sup>! Please let me know at your earliest convenience.**

**Ben Hetzel  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042  
651-747-3911**





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The City Engineer notified me that your property will be eligible for City Water hookup in October. With that being said, there is an opportunity to hook up to city water and abandoned your well, which would allow your garage to conform to all setbacks.

The whole justification presented by you and Al as the applicants, is that the well is reason a variance should be granted. My concern is now that there is an option to abandon the well, City Council could have good reason to deny the variance request. I am not saying that will happen, but it is a good possibility. Ultimately, the decision lies with City Council. I wanted to give you all the information I have at this point to make a informed decision. You have the following two options:

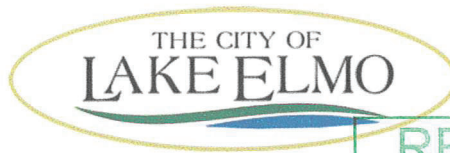
1. Withdraw the Variance application, hook up to city water, abandone well, meet all setbacks
  2. Continue with the variance request, provide me with new narrative and answers to questions shown below.
- 
- e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.
  - f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.
  - g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.
  - h. Justify that the granting of the variance would not alter the essential character of the neighborhood.

**I need a decision and/or items above by June 1<sup>st</sup>! Please let me know at your earliest convenience.**

**Ben Hetzel**  
**City Planner**  
**City of Lake Elmo**  
**3800 Laverne Ave. N.**  
**Lake Elmo, MN 55042**  
**651-747-3911**



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RECEIVED

MAY 12 2022

CITY OF LAKE ELMO

## LAND USE APPLICATION

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☒ Variance (see below) ☐ Zoning Appeal
- ☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications

Applicant: AL WOOLHOUSE  
Address: 13414 182nd AVE NW ELK RIVER, MN 55380  
Phone #: 763-202-9060  
Email Address: ALWOOLHOUSE4151@gmail.com

Fee Owner: BRENDA LECUYER  
Address: 1567 IVORY AVE N LAKE ELMO, MN 55042  
Phone #: 651-230-6440  
Email Address: brenlecuyer@gmail.com

Property Location (Address): 1567 IVORY AVE N. LAKE ELMO, MN  
(Complete (long) Legal Description): LOT 8 block 2, PARKVIEW ESTATES

PID#: 28.029.21.13.0015

Detailed Reason for Request: WE ARE REQUESTING TO PLACE A PROPOSED GARAGE ON THE 5' EASEMENT INSTEAD OF 15' SIDE SET BACK IN ORDER TO AVOID EXISTING WELL ON PROPERTY WHICH WOULD BE IN THE WAY OF GARAGE ENTRANCE.

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

THE EXISTING WELL IS LOCATED WHERE THE CITY WOULD LIKE THE GARAGE TO BE PLACED AT THE 15' SIDE SET BACK BUT THE WELL (4" ACTIVE WELL) WOULD BE IN THE PATH OF THE OVERHEAD GARAGE DOOR (drawings provided)

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Al Woolhouse Date: \_\_\_\_\_

Signature of fee owner: Ble Date: 5/12/22

Brenda LeCuyer  
1567 Ivory Ave. N.  
Lake Elmo, MN 55042  
5/12/22

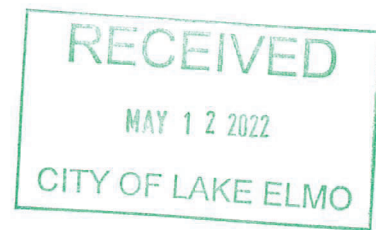
To Whom It May Concern:

I authorize Al Woolhouse of A.L Woolhouse Inc to submit variance application request on my behalf for our home at 1567 Ivory Ave N. Lake Elmo, MN 55042.

Kind regards,

 5/12/22

Brenda LeCuyer  
612-615-5016 (cell)



please Send  
Receipt for  
Escrow check



RECEIVED

MAY 12 2022

CITY OF LAKE ELMO

THE FOLLOWING ADDRESS OF WHICH WE ARE SEEKING A VARIANCE IS " 1567 IVORY AVE N. LAKE ELMO, MN Pld NO. 2802921130015 WE ARE PROPOSING TO BUILD A 24' X 40' DETACHED GARAGE ON THE S-SE SIDE PROPERTY LINE. ACCORDING TO THE CITY OF LAKE ELMO THE SIDE SET BACKS ARE 15' WHICH INCLUDES THE 5' EASEMENT. WE ARE REQUESTING TO MOVE THE DETACHED GARAGE TO THE 5' SIDE EASEMENT TO AVOID THE 4" ACTIVE WELL ON THE PROPERTY. IF THE GARAGE IS TO BE BUILT WITHOUT THE VARIANCE THE WELL WOULD BE IN THE FRONT MIDDLE OF STRUCTURE (SEE PICS) IF WE ARE GRANTED THE VARIANCE THE STRUCTURE WOULD BE BUILT ON THE 5' EASEMENT AND THE WELL LOCATION WOULD BE WITHIN 2' FROM LEFT FRONT OF BUILD STRUCTURE AS OPPOSE TO 12' CENTER OF STRUCTURE WHICH WOULD RESULT IN A TOTAL ACCESSIBILITY TO NEW GARAGE. ALSO ON THE SOUTH SIDE PROPERTY LINE WHERE VARIANCE IS BEING REQUESTED THERE ARE NO CLOSE NEIGHBORING STRUCTURES. (SEE PICS) ALSO WITHOUT THE GRANT OF A VARIANCE THE NE CORNER OF NEW GARAGE WOULD BE THE POOL AREA. (SEE PICS) THE PLAY SET DIRECTLY BEHIND THE PROPOSED GARAGE IS TOTALLY VISIBLE FROM LIVING AND KITCHEN WINDOWS OF HOME FOR MONITORING CHILDRENS ACTIVITY AND SAFETY.



## VARIANCE FOR 1567 IVORY AVE N.

THE STRICT ENFORCEMENT OF THIS CHAPTER WOULD CAUSE MAJOR DIFFICULTIES BECAUSE OF THE LOCATION OF ACTIVE 4" WELL ON PROPERTY. IT WOULD TOTALLY INTERFERE WITH THE ENTRANCE OF PROPOSED GARAGE. SEE PICS

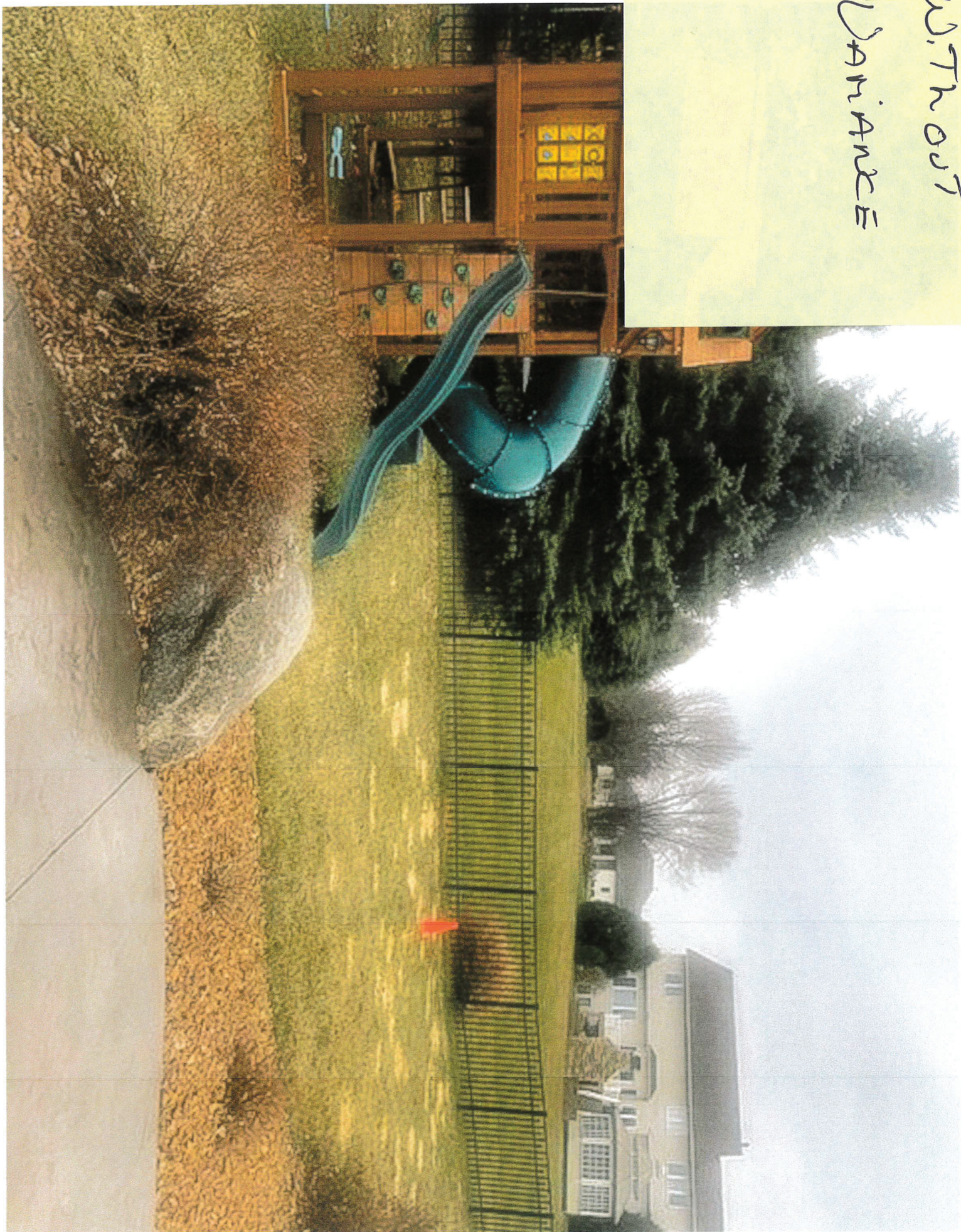
THE LOCATION OF WELL, WHICH IS THE ISSUE IS IN NO WAY THE OWNERS FAULT. THEY PURCHASED THE HOME AS IS WITH THE WELL IN PLACE ALREADY.

THE GRANTING OF THE VARIANCE WOULD NOT ALTER THE CHARACTER OF AREA AT ALL. ITS BEING BUILT FOR RESIDENTIAL STORAGE USE ONLY AND WILL BE LOCATED ON SOUTHSIDE PROPERTY LINE WHERE THERE ARE NO NEIGHBORING STRUCTURES.

SEE PIC

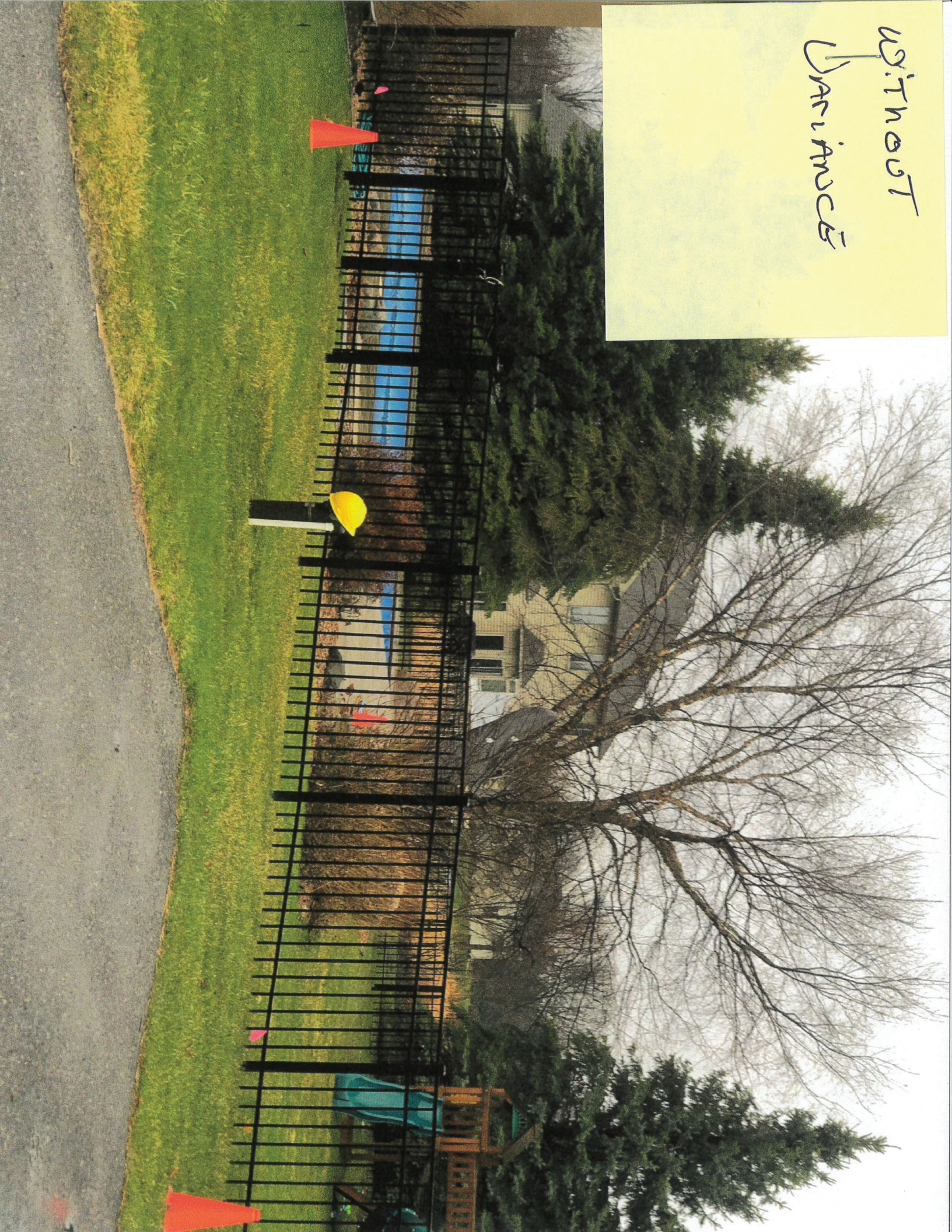


WTHOUT  
DANIELLE





without  
variance



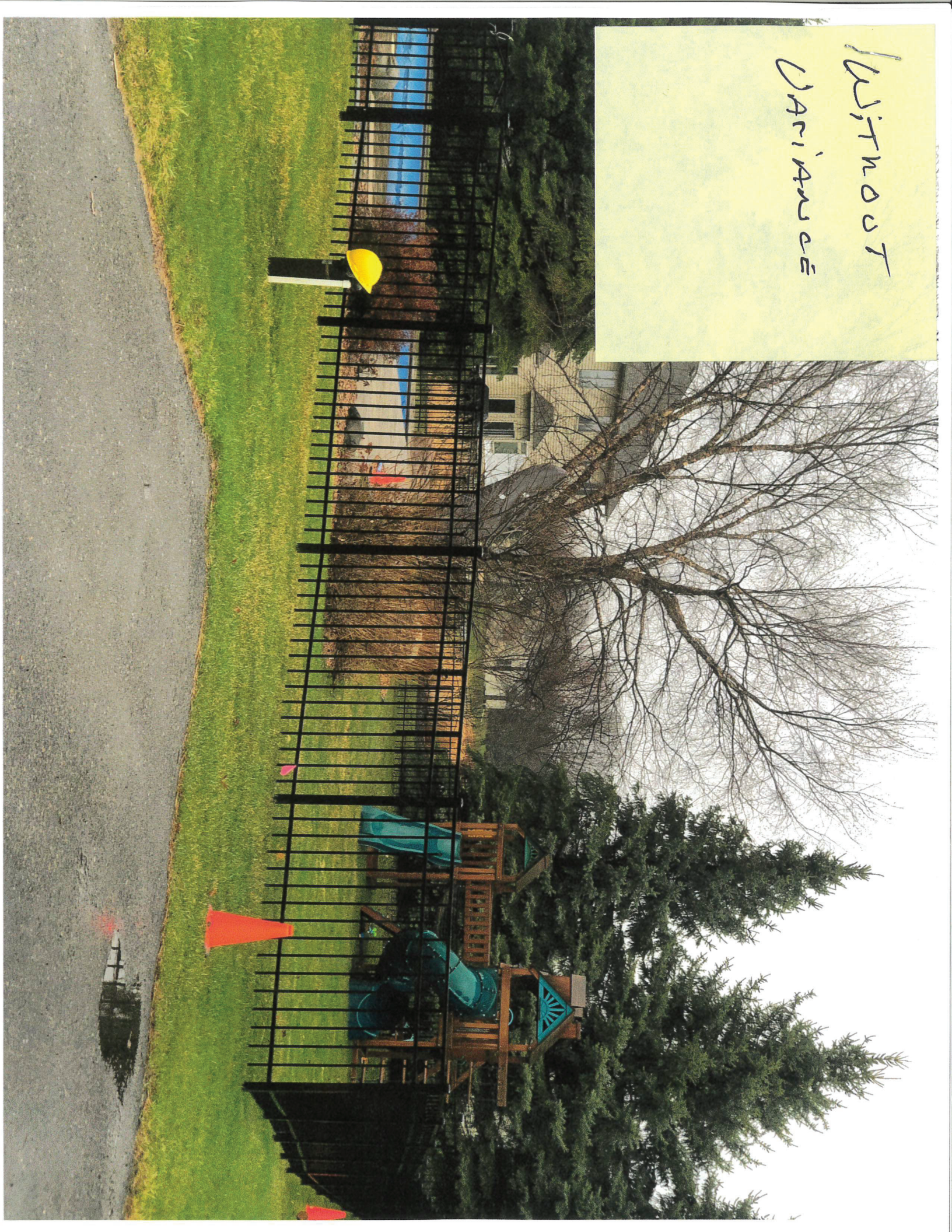


WITHOUT  
VARIANCE



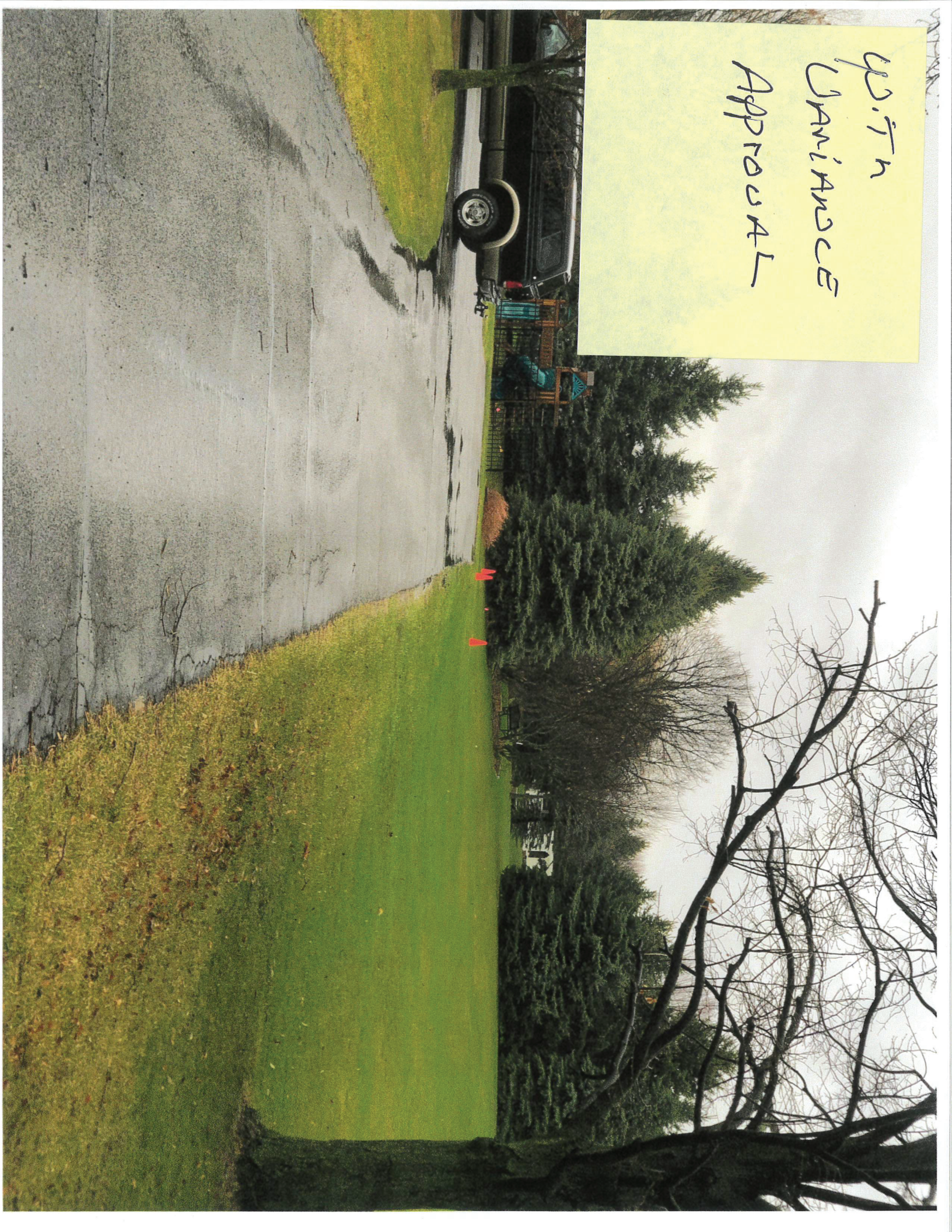


Wilton  
Variante





40TH  
UNIVERSITY  
APPROVAL





Play set behind  
Proposed  
Garage



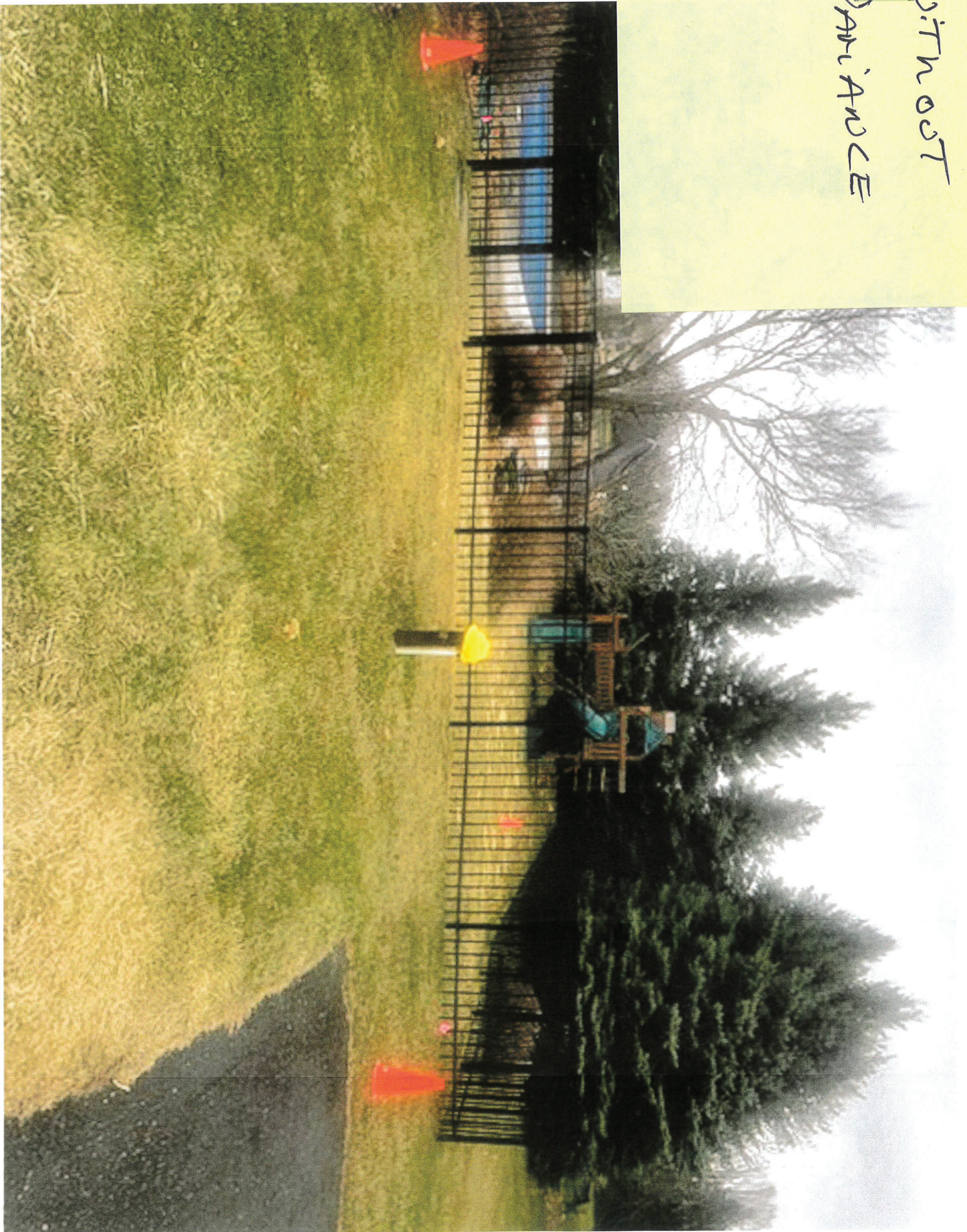


Play set behind  
proposed  
garage



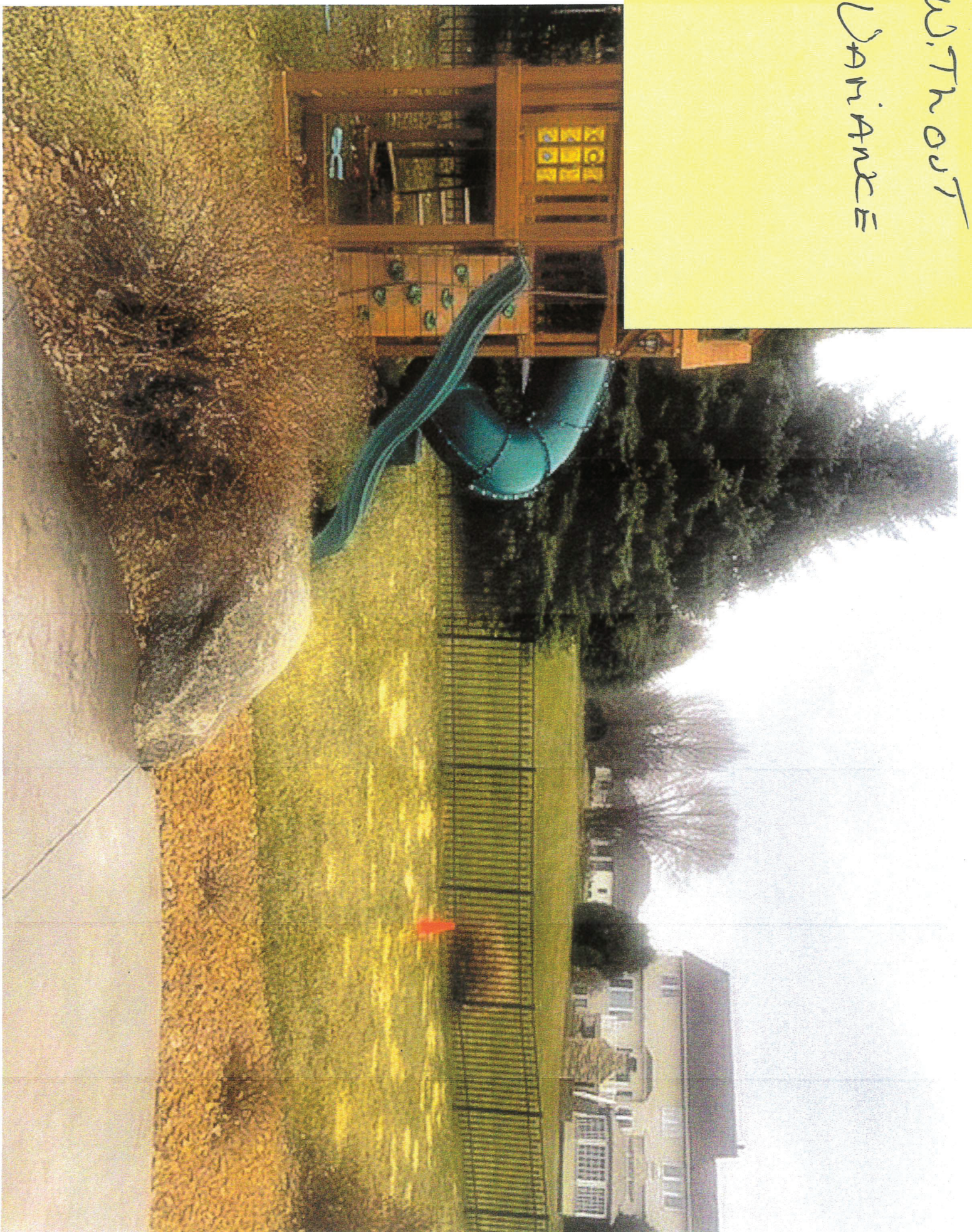


WITH  
VARIANCE





WTHOUT  
DARIANCE





## Ben Hetzel

---

**From:** Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>  
**Sent:** Friday, May 27, 2022 3:22 PM  
**To:** Molly Just; Ben Hetzel  
**Cc:** Sonsalla, Sarah J.; Tierney, Rachel G.  
**Subject:** RE: Lake Elmo Land Use Application Review - 1st Batch for May

**Caution:** This email originated outside our organization; please use caution.

Hi Molly and Ben,

I reviewed the applications. My only comment relates to the variance for 1567 Ivory Avenue. I did not see any reason why they could not put the new garage on the other side of the house. I think that they are going to need to have an explanation for this in order to be able to prove that there are practical difficulties.

I didn't have any comments with respect to the Northern Natural Gas grading permit or the Animal Inn zoning text amendment.

Let me know if you have any questions.

Thanks!

Sarah

**Sarah J. Sonsalla | Attorney | Kennedy & Graven, Chartered** | 150 South Fifth Street, Suite 700 | Minneapolis, MN 55402 | direct: 612.337.9284 | fax: 612.337.9310 | e-mail: [ssonsalla@kennedy-graven.com](mailto:ssonsalla@kennedy-graven.com)

---

**From:** Molly Just <MJust@lakeelmo.org>  
**Sent:** Tuesday, May 17, 2022 4:50 PM  
**To:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>; Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>; Dustin Kalis <DKalis@lakeelmo.org>; Harding, Sarah <Sarah.Harding@stantec.com>; Rachel.Burand@stantec.com; jhanson@barr.com; daniel.scollan@state.mn.us; Marty Powers <MPowers@lakeelmo.org>  
**Cc:** Ben Hetzel <BHetzel@lakeelmo.org>; Diane Wendt <DWendt@lakeelmo.org>  
**Subject:** Lake Elmo Land Use Application Review - 1st Batch for May

Greetings,

Please see the Dropbox link below. This is the first batch of Lake Elmo land use applications pending for May. You are asked to review the applications as Lake Elmo staff or as a stakeholder in the area of a pending application. Please provide your input to Ben Hetzel by the deadline provided below.

[https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD\\_qBXD6Su-XyndXNSwlIxa?dl=0](https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD_qBXD6Su-XyndXNSwlIxa?dl=0)

**Variance:** 1567 Ivory Avenue N. AI Woolhouse on behalf of Brenda LeCuyer is requesting a variance to allow a 5 foot side yard setback where 15 feet is required to construct a detached garage. OP-PUD Open Space PUD, Valley Branch Watershed District. June 13th Planning Commission. **Please have feedback to Ben Hetzel by Monday, May 30th.**

**Zoning Text Amendment:** 8611 34th Street N. Animal Inn is requesting to amend Table 12-1 of Section 105.12.920 to allow a commercial kennel as a conditional use in the Limited Commercial zoning district. LC Limited Commercial, Valley Branch Watershed District. June 13th Planning Commission. **Please have feedback to Ben Hetzel by Monday, May 30.**

**Grading Permit:** PID: 1202921120002. Northern Natural Gas is requesting a grading permit for the movement of 200 cubic yards of material to install a natural gas pipeline inspection gauge launcher. OP- Open Space PUD, Valley Branch Watershed District, Shoreland Management Overlay District. **Please have feedback to Ben Hetzel by Friday, May 27th.**

Molly Just  
Planning Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042  
651-747-3912  
[mjust@lakeelmo.org](mailto:mjust@lakeelmo.org)  
[http://www.lakeelmo.org/departments/planning\\_zoning/index.php](http://www.lakeelmo.org/departments/planning_zoning/index.php)

## Ben Hetzel

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**From:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>  
**Sent:** Wednesday, May 25, 2022 7:22 PM  
**To:** Ben Hetzel  
**Cc:** Molly Just; Chad Isakson  
**Subject:** Re: Lake Elmo Land Use Application Review - 1st Batch for May  
**Attachments:** 2022-05-25 1567 Ivory Avenue Variance.pdf; 2022-05-25 NNG Grading Permit.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Caution:** This email originated outside our organization; please use caution.

Please see the attached plan review comments for the 1567 Ivory Ave side yard setback variance and NNG Grading Permit. Engineering has no comment on the Animal Inn Zoning Text Amendment. Please let me know if there is any further engineering assistance requested for this planning issue.

Thanks ~Jack

John (Jack) W. Griffin, P.E.  
Principal / Sr. Municipal Engineer

**FOCUS** ENGINEERING, INC.  
651.300.4264  
[jack.griffin@focusengineeringinc.com](mailto:jack.griffin@focusengineeringinc.com)

On Tue, May 17, 2022 at 4:49 PM Molly Just <[MJust@lakeelmo.org](mailto:MJust@lakeelmo.org)> wrote:  
Greetings,

Please see the Dropbox link below. This is the first batch of Lake Elmo land use applications pending for May. You are asked to review the applications as Lake Elmo staff or as a stakeholder in the area of a pending application. Please provide your input to Ben Hetzel by the deadline provided below.

[https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD\\_qBXD6Su-XyndXNSwllxa?dl=0](https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD_qBXD6Su-XyndXNSwllxa?dl=0)

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Molly Just  
Planning Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042  
651-747-3912  
[mjust@lakeelmo.org](mailto:mjust@lakeelmo.org)  
[http://www.lakeelmo.org/departments/planning\\_zoning/index.php](http://www.lakeelmo.org/departments/planning_zoning/index.php)

## Ben Hetzel

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**From:** Dustin Kalis  
**Sent:** Wednesday, May 25, 2022 9:47 AM  
**To:** Molly Just; Ben Hetzel  
**Cc:** Anthony Svoboda  
**Subject:** RE: Lake Elmo Land Use Application Review - 1st Batch for May

Molly & Ben,

Here are the fire department comments for the following projects:

**Variance: 1567 Ivory Avenue N.** - Ensure address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.

**Zoning Text Amendment: 8611 34th Street N. Animal Inn.** No comments specific to the Zoning Text amendment. Further discussion will need to take place regarding this project as it moves forward. Currently the Animal inn operates out of 3 separate buildings all using the 8611 address. We have also been dealing with Fire Lane/No Parking issues between the Animal Inn Pet Report (applicant) and the Animal Inn Training School (separate business at 8633 34<sup>th</sup> St. N.) Whatever the Animal Inn Pet Resort proposes construction wise will have an impact on these issues and the FD will have additional comments once other knowns are in place.

**Grading Permit: PID: 1202921120002.** Applicant or Contractor shall notify the Fire Department of any gas releases that impact the area.

**Dustin Kalis | Fire Chief**

Lake Elmo Fire Department

Fire Station #1 - 3510 Laverne Ave. N. | Lake Elmo, MN | 55042  
651-747-3933 office | [www.lakeelmo.org](http://www.lakeelmo.org)

---

**From:** Molly Just

**Sent:** Tuesday, May 17, 2022 4:50 PM

**To:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>; Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>; Dustin Kalis <DKalis@lakeelmo.org>; Harding, Sarah <Sarah.Harding@stantec.com>; Rachel.Burand@stantec.com; jhanson@barr.com; daniel.scollan@state.mn.us; Marty Powers <MPowers@lakeelmo.org>

**Cc:** Ben Hetzel <BHetzel@lakeelmo.org>; Diane Wendt <DWendt@lakeelmo.org>

**Subject:** Lake Elmo Land Use Application Review - 1st Batch for May

Greetings,

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[https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD\\_qBXD6Su-XyndXNSwlIxa?dl=0](https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD_qBXD6Su-XyndXNSwlIxa?dl=0)

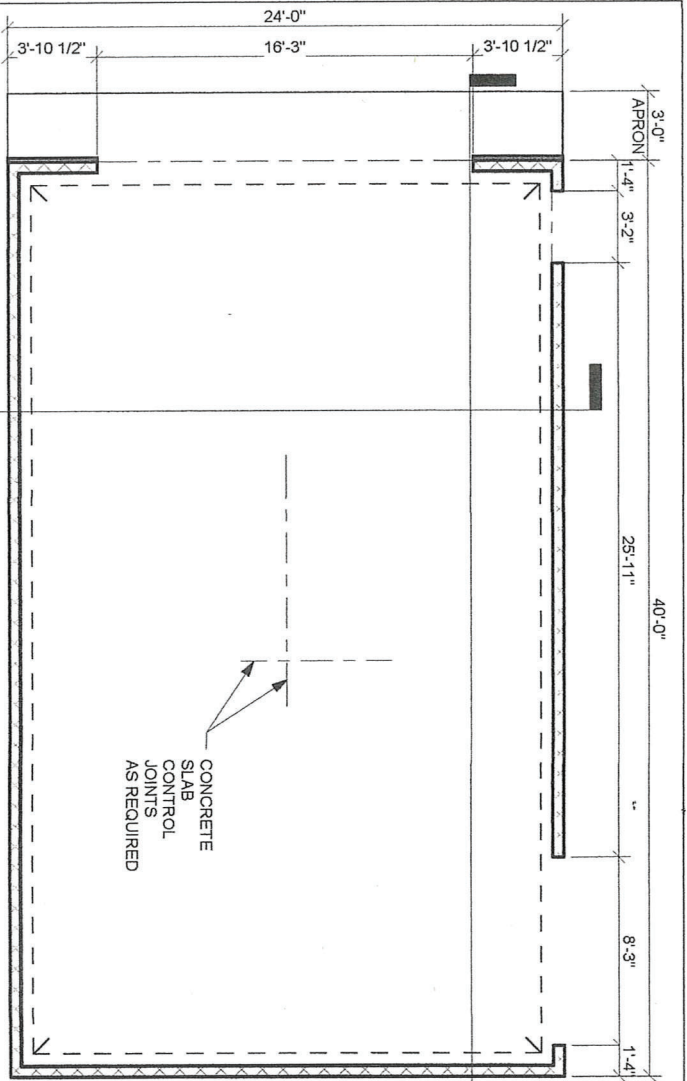
**Variance:** 1567 Ivory Avenue N. Al Woolhouse on behalf of Brenda LeCuyer is requesting a variance to allow a 5 foot side yard setback where 15 feet is required to construct a detached garage. OP-PUD Open Space

PUD, Valley Branch Watershed District. June 13th Planning Commission. **Please have feedback to Ben Hetzel by Monday, May 30th.**

**Zoning Text Amendment:** 8611 34th Street N. Animal Inn is requesting to amend Table 12-1 of Section 105.12.920 to allow a commercial kennel as a conditional use in the Limited Commercial zoning district. LC Limited Commercial, Valley Branch Watershed District. June 13th Planning Commission. **Please have feedback to Ben Hetzel by Monday, May 30.**

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Molly Just  
Planning Director  
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3  
S4

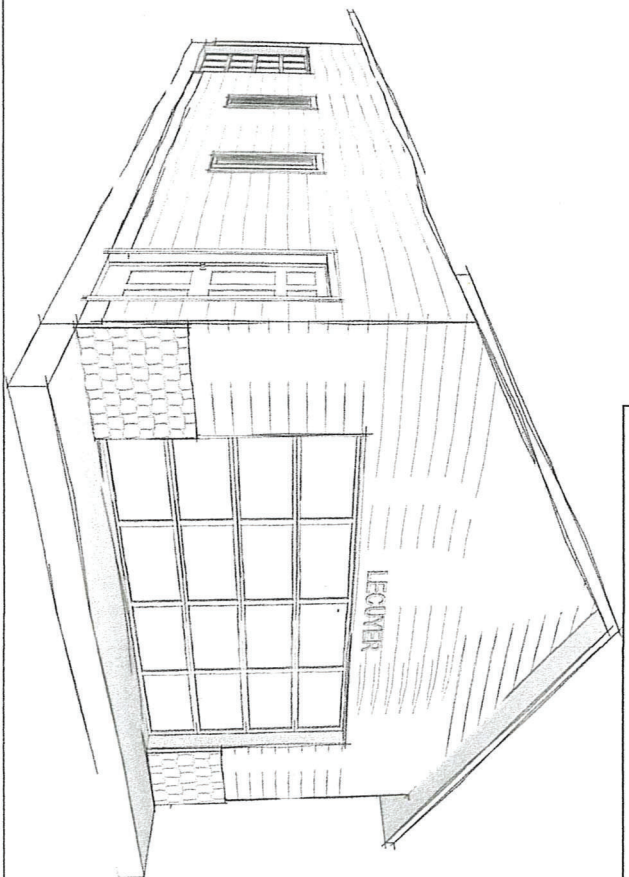
By signing this drawing set, I'm stating I have reviewed these drawings entirely for the basic dimensional accuracy in accordance with my requirements. The overall size and location of openings match my design intent, and changes may result in scope evaluation, increased cost, and additional drafting costs.

Name: \_\_\_\_\_

Signature \_\_\_\_\_

RESERVED FOR ELECTRONIC PLAN REVIEW STAMPS

**RECEIVED**  
MAY 12 2022  
CITY OF LAKE ELMO

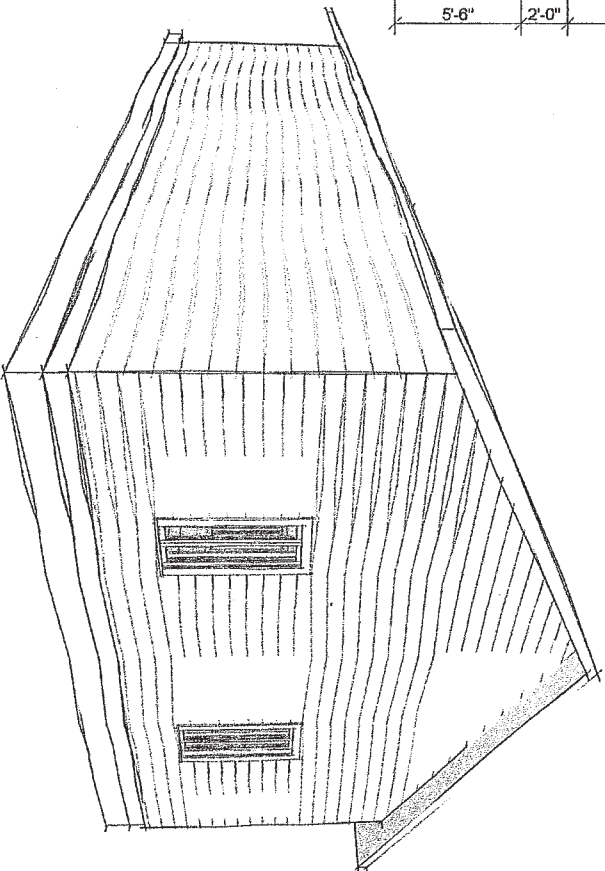
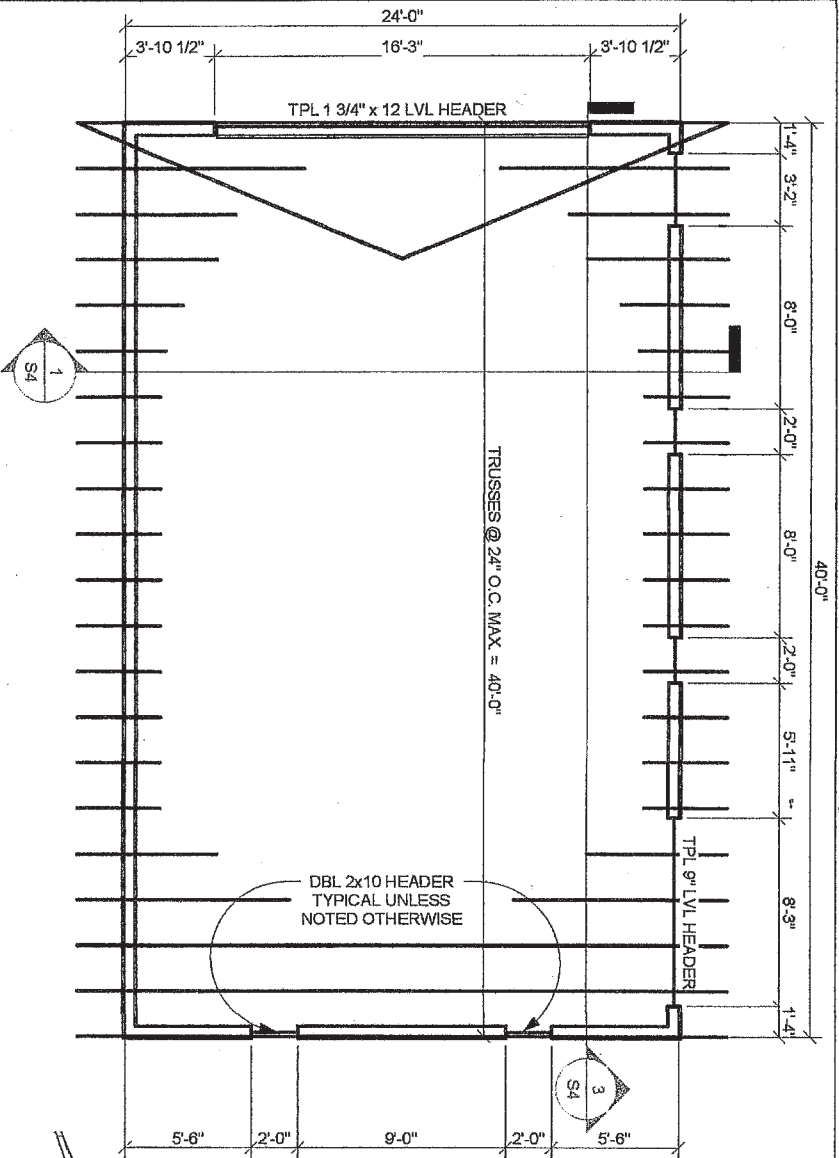


**A.L. WOOLHOUSE**  
13414 182nd Ave. NW  
Elk River, MN 55330  
www.ALWoolhouse.com  
612-401-0092

**BRENDA LECUYER RESIDENCE**  
1567 Ivory Avenue North, Lake Elmo, MN 55042

FOUNDATION PLAN			S1
Project number	21.096		
Date	11/1/2021		
Drawn by	TMD		
Checked by	LW		Scale As indicated





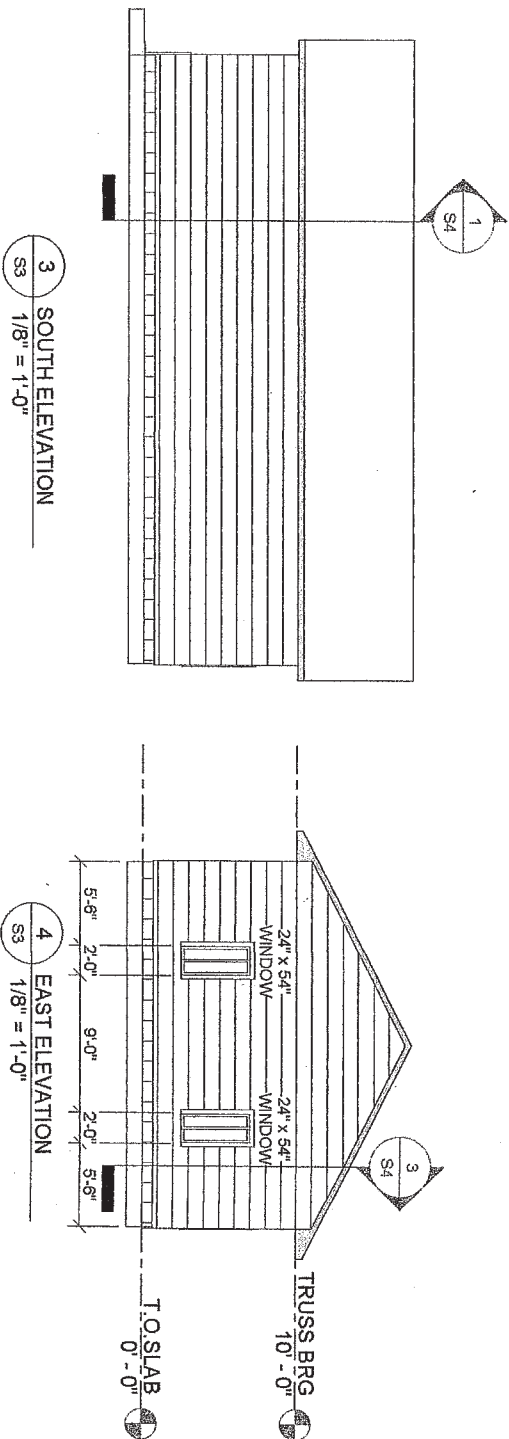
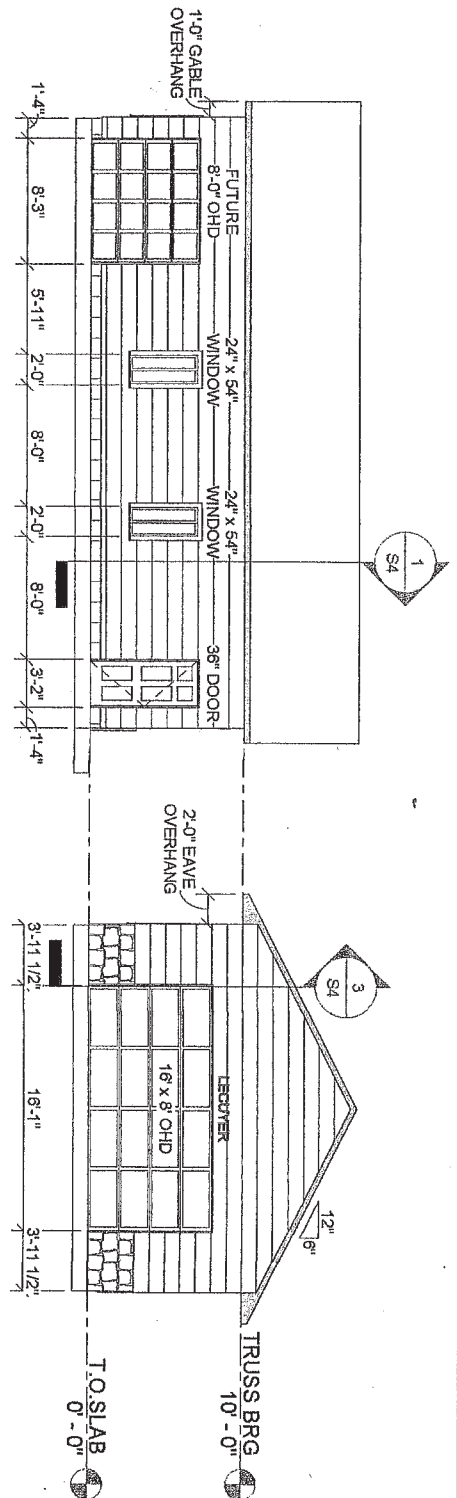
**AL WOOLHOUSE**  
13414 182nd Ave. NW  
Elk River, MN 55330  
www.ALWoolhouse.com  
612-401-0092

**BRENDA LECUYER RESIDENCE**  
1567 Ivory Avenue North, Lake Elmo, MN 55042

**ROOF FRAMING PLAN**

Project number	21.096	S2
Date	11/1/2021	
Drawn by	TMD	
Checked by	LW	

Scale As indicated



AL WOOLHOUSE  
ARCHITECTS

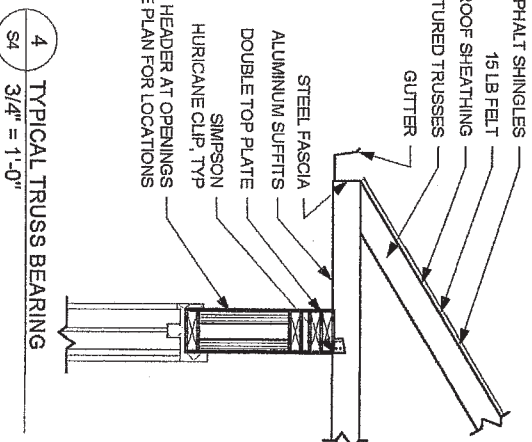
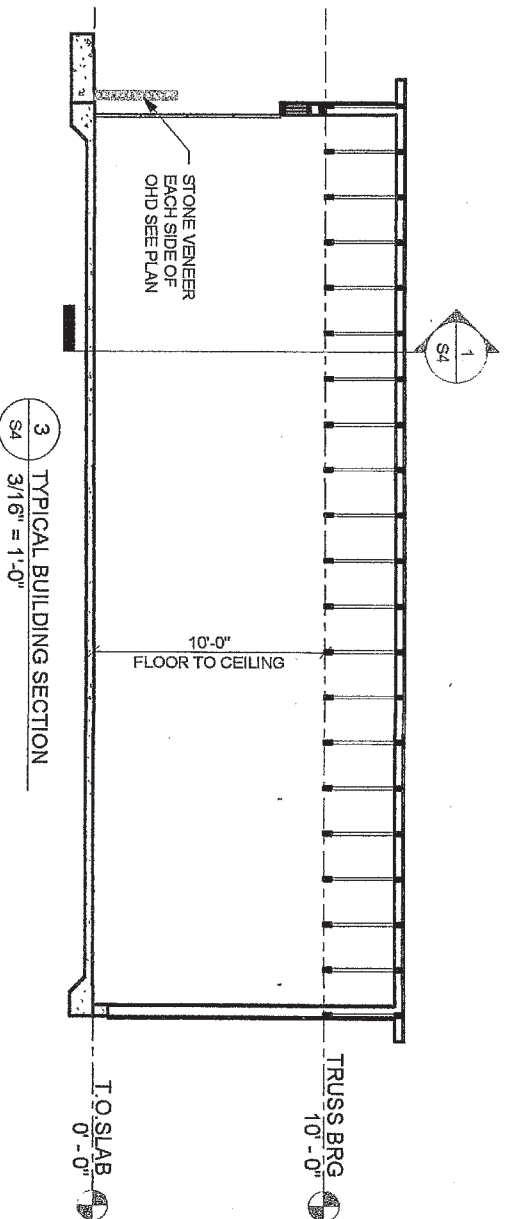
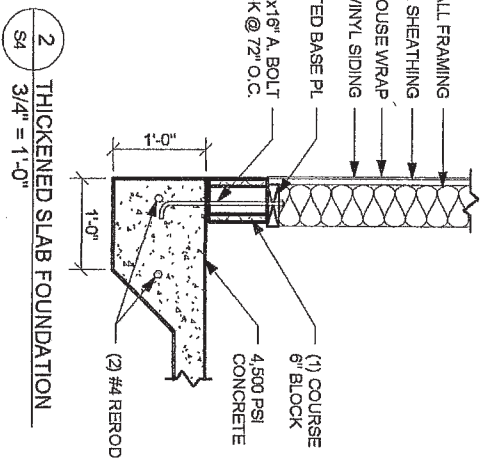
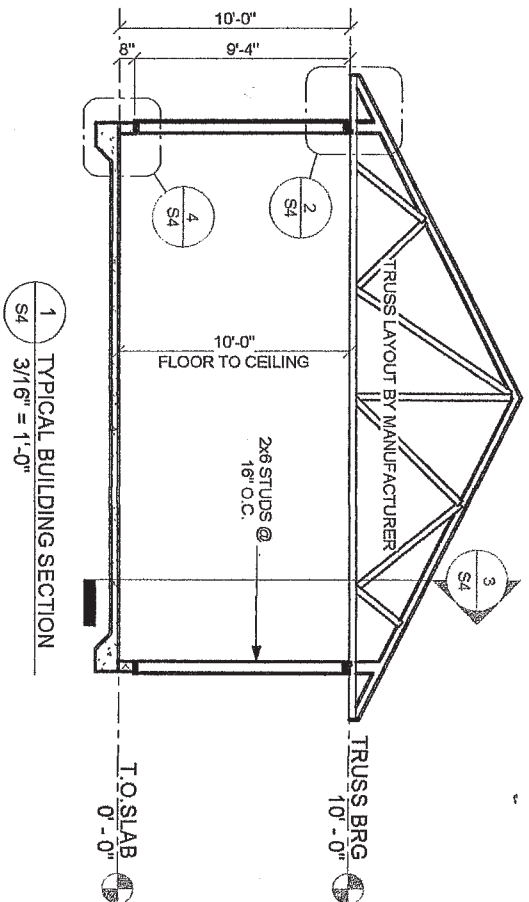
13414 182nd Ave. NW  
Elk River, MN 55330  
www.ALWoolhouse.com  
612-401-0092

## BRENDA LECUYER RESIDENCE

1567 Ivory Avenue North, Lake Elmo, MN 55042

### ELEVATIONS

Project number	21.096	S3
Date	11/1/2021	
Drawn by	TMD	
Checked by	LW	Scale As indicated



**A.L. WOOLHOUSE**  
13414 182nd Ave. NW  
Elk River, MN 55330  
www.ALWoolhouse.com  
612-401-0092

**BRENDA LECUYER RESIDENCE**  
1567 Ivory Avenue North, Lake Elmo, MN 55042

**BUILDING SECTIONS**  
Project number 21.096  
Date 11/1/2021  
Drawn by TMD  
Checked by LW  
Scale As indicated  
**S4**

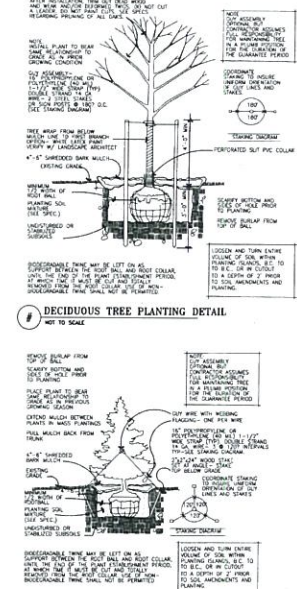
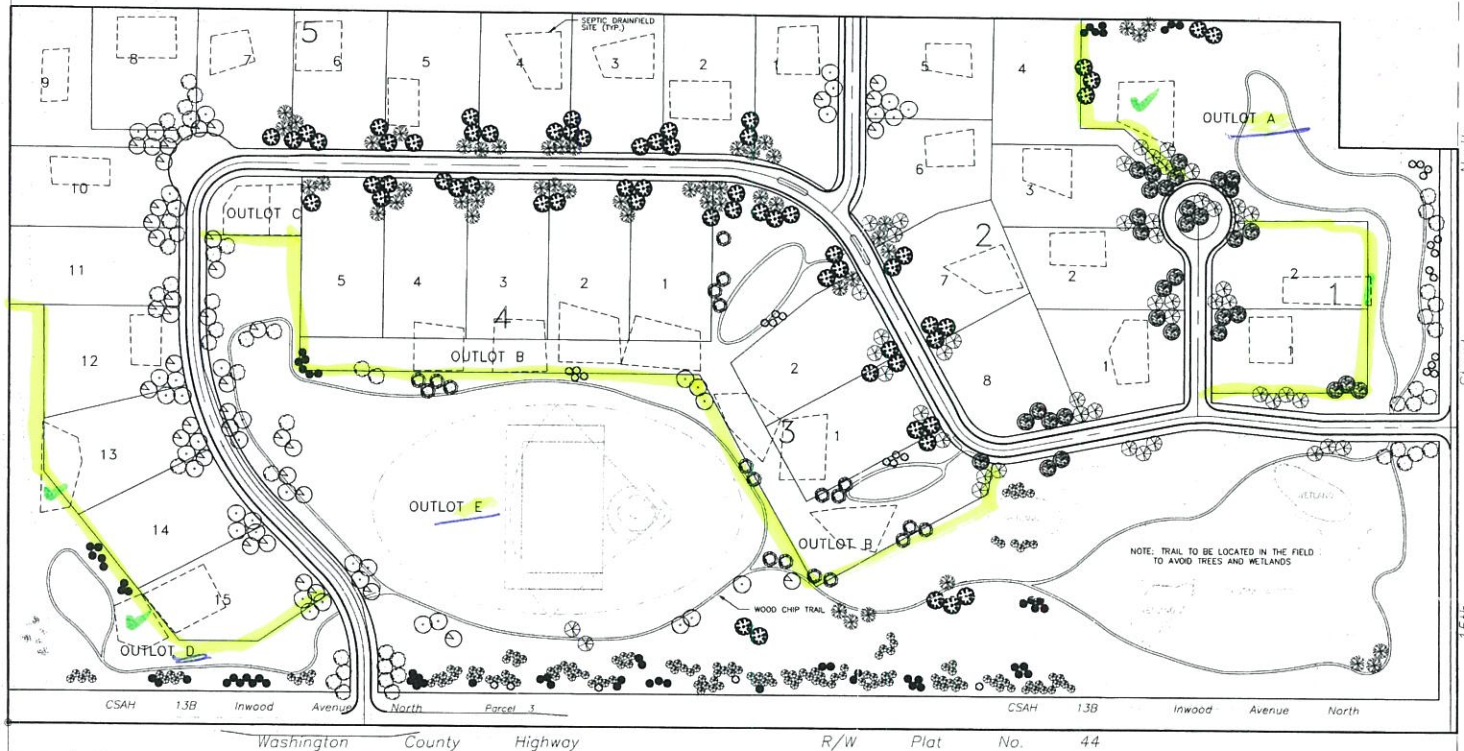


E. Email conversation with city of lake Elmo prior to variance application to discuss requirements (see attached PDF).

F. The 1567 Ivory Ave N property has a very limited area that would allow the addition of a garage that would not cause an additional substantial financial obstacle to build. Strictly enforcing the Lake Elmo chapter on where a structure could be built would require the homeowners to remove a significant portion of professional landscaping that is used for privacy and aesthetics in the backyard. Removing the established landscaping would require the homeowners to pay for professional services to remove the existing landscaping and in turn, create/install new landscaping needed for privacy. Finally, and most importantly, the home has an unmovable play-set that the young children of the homeowners spend significant time on. Building the garage within the guidelines of the Lake Elmo chapter would cause the garage to obstruct the view of the play-set from the home, resulting in the homeowners not being able to comfortably see their children when playing on the play-set. The west side of property is the front yard of our house and the north side holds our septic system and drain field that runs through to across the street which would make it impossible to build in these areas without relocating a septic system. Parkview Estate Homeowners Association will not permit us to build in the front of the property to maintain the rules of our homeowner association to meet the ascetic in the neighborhood.


G. The property at 1567 Ivory Ave N already had many large mature evergreen trees on the property when purchased. Those trees, which surrounding properties too enjoy for privacy between homes, are located in the only available, logistical area a garage could be built on the property. Removing the trees would cause a financial hardship on the homeowners as well as negatively impact the aesthetics of multiple properties. In addition, building the garage within the Lake Elmo chapter would require the garage to be built on the existing, in use well. The homeowners are aware that the home may be eligible for city water in the future, but the homeowners, knowing continued use of well is an option, have not decided whether to covert the home as it has been tested by Minnesota Department of Health routinely to have be within normal limits.

H. Building the garage closer to the lot line with an approved variance would have little to no effect on the neighbors, the neighborhood, or the character of the property. The area the garage would be built on with an approved variance is next to neighbors large backyards, still very far from their house, and is the only neighbor on this property line. In addition, as mentioned above, there are large mature trees that would block the view of the garage from one of the two neighbors this area of the property. The variance is asking for the garage to be permitted to be approximately ten feet closer to the property line than if it were within Lake Elmo guidelines, meaning while garage would be closer than guidelines, it would not be significantly visually closer to the property line than without a variance.



LANDSCAPE LEGEND					
KEY	BOTANICAL NAME	COMMON NAME	POT	QTY.	REMARKS
<b>CONIFEROUS TREES</b>					
PP	<i>Picea pungens</i>	COLORADO SPRUCE	6" HT.	30	
PS	<i>Pinus sylvestris</i>	SCOTCH PINE	6" HT.	61	
<b>DECIDUOUS OVERSTORY TREES</b>					
AR	<i>Acer rubrum</i> 'Northwood'	RED MAPLE	1.5" BB	33	
AS	<i>Acer saccharum</i> 'Green Mountain'	SUGAR MAPLE	1.5" BB	43	
BN	<i>Betula nigra</i>	RIVER BIRCH	1.5" BB	20	
CD	<i>Celtis occidentalis</i>	HACKBERRY	1.5" BB	49	
FA	<i>Fraxinus pennsylvanica</i> 'Summit'	GREEN ASH	1.5" BB	50	
PT	<i>Populus tremuloides</i>	QUAKING ASPEN	1.5" BB	150	
Q1	<i>Quercus rubra</i> (borealis)	NORTHERN RED OAK	1.5" BB	62	
TL	<i>Tilia americana</i>	AMERICAN LINDEN	1.5" BB	38	
OB	<i>Quercus bicolor</i>	SWAMP WHITE OAK	1.5" BB	51	

- [illegible]

				DESIGNED BY KOC	CHECKED BY KOC	I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.	
				DRAWN BY EWM	APPROVED BY KOC		
NO	DATE	BY	REMARKS	DATE	COMM.	DATE	REG. NO.
REVISIONS				1/23/98		1/23/98	20862



**McCOMBS FRANK ROOS ASSOCIATES, INC.**  
15050 23rd Ave. N. Plymouth, MN 55447  
612-476-6010 Fax: 612-476-8532

**PARKVIEW ESTATES**  
**LYMAN DEVELOPMENT COMPANY**  
**LAKE ELMO, MINNESOTA**

SCALE 1"=100'	
BOOK	PAGE
FILE NO. 11753	

Approved by CC on 2-17-98

LANDSCAPE PLAN

SHEET 1	REV.
OF 1	



## **STAFF REPORT**

DATE: 06/13/2022

**REGULAR**

ITEM#: 4b – PUBLIC HEARING

**MOTION**

**TO:** Planning Commission  
**FROM:** Ben Hetzel, Lake Elmo City Planner  
**AGENDA ITEM:** **Side Yard Setback Variance Request at 1567 Ivory Ave N**  
**REVIEWED BY:** Molly Just, Planning Director

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### **INTRODUCTION:**

Al Woolhouse (Applicant) on behalf of Brenda LeCuyer (Property Owner) recently submitted an application for a side yard setback variance for the property located at 1567 Ivory Avenue N – Parcel 28.029.21.13.0015 (Subject Property). The property owner is proposing to construct a detached garage to the southeast of the existing home and southwest of an existing in-ground pool and patio. To do this, the applicants are requesting to encroach within the 15 foot side yard setback as required by the Open Space PUD zoning district. The proposed garage would be placed at the end of an existing driveway and abut a 5-foot drainage and utility easement located along the south property line. The applicant is requesting the maximum relief from the setback while not placing the structure within the drainage and utility easement.

### **ISSUE BEFORE PLANNING COMMISSION:**

The Planning Commission is being asked to hold a public hearing, review, and make a recommendation on the request to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Ave N.

### **VARIANCE REQUEST DETAILS/ANALYSIS:**

<i>Address:</i>	1567 Ivory Ave N
<i>PID:</i>	28.029.21.13.0015
<i>Existing Zoning:</i>	Rural Single Family, Open Space PUD, Valley Branch Watershed District
<i>Surrounding Zoning:</i>	North, South, & East: Open Space PUD West: Public Facilities
<i>Deadline for Action:</i>	Application Complete – 5/31/2022 60 Day Deadline – 7/31/2022 Extension Letter Mailed – N/A 120 Day Deadline – N/A
<i>Applicable Regulations:</i>	Article V - Zoning Administration and Enforcement Article XVII – Open Space Planned Unit Developments



**Reason for Request:** The applicant proposes to construct a 24-foot by 40-foot detached garage within the required 15-foot side yard setback. The required side yard setback for Open Space PUD zoning is 15-feet or ten percent of the lot area as per Section 105.12.1050(6)b.1.v.

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**REVIEW AND ANALYSIS/DRAFT FINDINGS:**

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 before the City may grant an exception or modification to city code requirements. These criteria are listed below, along with comments from Staff about the applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "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 applicant states that meeting the required setback near the desired building location would involve the removal and replacement of a portion of professional landscaping and create a visible obstruction of an immovable playset. In addition, meeting the 15 foot setback would result in an obstruction in front of the proposed garage door due to the existing well location. The applicant is aware of the possibility to connect to city water, but also understands that it may not be required. The applicant claims that the garage cannot be built on the north side of the home due to HOA rules and septic system components. The City does not enforce HOA rules and only requires accessory structure placement to be in the side or rear yard. City code would define the front yard to the west and side yard to the north. The City has documentation indicating that the referred to septic system is located on outlot E on the other side of Ivory Ave N allowing for buildable area to the north.*

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

***FINDINGS:***

*The applicant has not proven that unique circumstances that justify the need for a variance were not created by the property owners. While the existing well location may not have been determined by the current property owners, there is no clarification whether the property owners are responsible for the professional landscape placement or playset location. The applicant has the opportunity to connect to city water and abandon the well, which would allow the proposed garage to meet the 15 foot side yard setback. The property owner would be establishing a self-created hardship by deciding not to connect to city water.*

- 3) **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 proposed garage location would not alter the essential character of the surrounding area. The garage would be located in the rear yard. The structure would be screened from the neighboring homes to the northeast and southeast by existing trees. The other neighboring home to the southwest would be approximately 113 feet from the proposed garage.*

- 4) 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 proposed variance does not impair adjacent properties. The proposed addition will not face a public street and is screened from 2 out of 3 adjacent properties by existing vegetation. The building location would also be screened from Ivory Ave due to existing trees at the driveway entrance and the existing home location. Approval of the variance would not result in increased public street congestion or diminished property values.*

**CITY AGENCY REVIEW:**

This request was distributed to several city departments for review on April 8, 2022. The following departments provided comments on the variance request.

**City Engineer (Memo)**

1. The connection to city water will be available in October 2022, allowing abandonment of the private well that the applicant identified as a reason for needing a variance.
2. The 5-ft drainage and utility easement should be fully preserved to maintain a shared drainage way for abutting lots. Construction of a garage immediately along the easement has the effect of reducing the area available to accommodate drainage equally.

**Fire Department (email)**

Ensure the address numbers are plainly visible from the street fronting to property and shall be contrasting color from the background.

**City Attorney (email)**

The applicant will have to prove that there are practical difficulties for not constructing the garage north of the home in a compliant location.

**PUBLIC COMMENT:**

A hearing notice was sent to surrounding properties on June 1, 2022. A hearing notice was published in the local newspaper on June 3, 2022. Staff received 2 public comments via email from surrounding property owners in support of the proposed variance.

**FISCAL IMPACT:**

None

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. Building materials used must be aesthetically similar to the existing home.
2. All stormwater runoff from the proposed garage shall be contained on the applicant's property. Stormwater shall not be directed onto adjacent properties.
3. If approved this variance shall expire if the work does not commence within 12 months of the date of granting the variance.

### **OPTIONS:**

The Planning Commission may:

- Recommend approval of the variance.
- Recommend approval of the variance with conditions.
- Recommend denial of the variance, citing recommended findings of fact for denial.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend denial of the request from Al Woolhouse on behalf of Brenda LeCuyer for a variance to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.

***“Move to recommend Denial of the request from Al Woolhouse on behalf of the property owner Brenda LeCuyer for a variance to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.”***

### **RECOMMENDED FINDINGS**

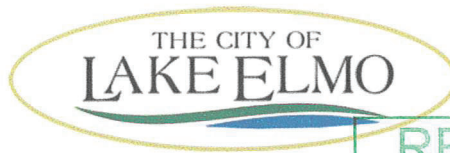
1. The applicant is Al Woolhouse on behalf of the property owner Brenda LeCuyer.
2. The applicant has provided a complete application in conformance with Section 105.12.320.
3. The applicant has not proven that strict enforcement the Lake Elmo City code would cause practical difficulties.
4. The applicant has not proven that the plight of the landowner is due to unique circumstances not created by the landowner.
5. The proposed variance would not alter the essential character of the surrounding neighborhood.
6. The proposed variance would not impair adjacent properties.

### **ATTACHMENTS:**

- 1) Land Use Application
- 2) Written Statements
- 3) Amended written statements
- 4) Location Map
- 5) Garage location pictures
- 6) Certificate of Survey
- 7) Proposed garage plans
- 8) Septic System Documentation
- 9) City Engineer Memo
- 10) Fire Department email
- 11) City Attorney email
- 12) 2 Neighboring property owner emails



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RECEIVED

MAY 12 2022

CITY OF LAKE ELMO

## LAND USE APPLICATION

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☒ Variance (see below) ☐ Zoning Appeal
- ☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications

Applicant: AL WOOLHOUSE  
Address: 13414 182nd AVE NW ELK RIVER, MN 55380  
Phone #: 763-202-9060  
Email Address: ALWOOLHOUSE4151@gmail.com

Fee Owner: BRENDA LECUYER  
Address: 1567 IVORY AVE N LAKE ELMO, MN 55042  
Phone #: 651-230-6440  
Email Address: brenlecuyer@gmail.com

Property Location (Address): 1567 IVORY AVE N. LAKE ELMO, MN  
(Complete (long) Legal Description: LOT 8 block 2, PARKVIEW ESTATES

PID#: 28.029.21.13.0015

Detailed Reason for Request: WE ARE REQUESTING TO PLACE A PROPOSED GARAGE ON THE 5' EASEMENT INSTEAD OF 15' SIDE SET BACK IN ORDER TO AVOID EXISTING WELL ON PROPERTY WHICH WOULD BE IN THE WAY OF GARAGE ENTRANCE.

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

THE EXISTING WELL IS LOCATED WHERE THE CITY WOULD LIKE THE GARAGE TO BE PLACED AT THE 15' SIDE SET BACK BUT THE WELL (4" ACTIVE WELL) WOULD BE IN THE PATH OF THE OVERHEAD GARAGE DOOR (drawings provided)

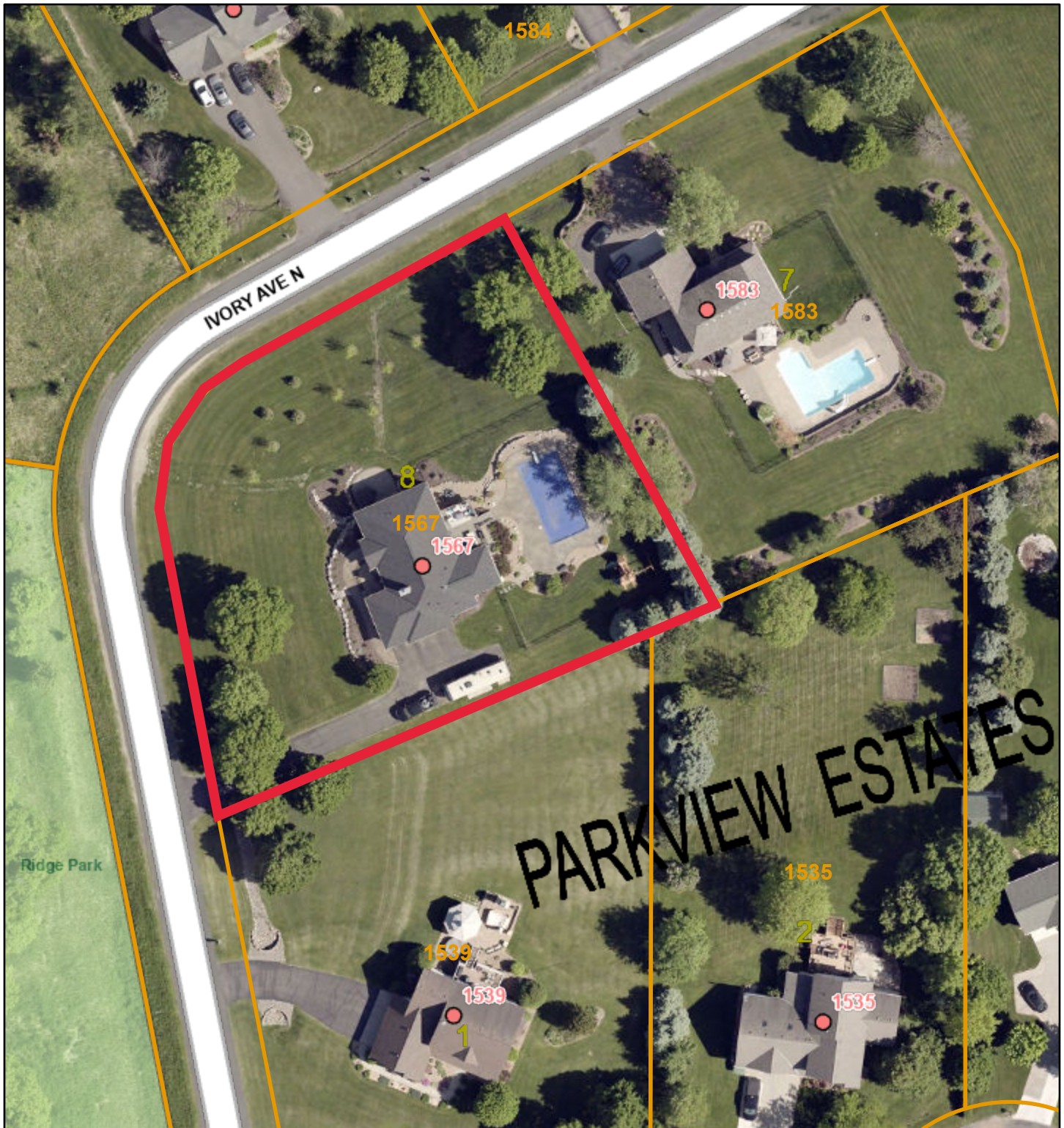
In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Al Woolhouse Date: \_\_\_\_\_

Signature of fee owner: Ble Date: 5/12/22



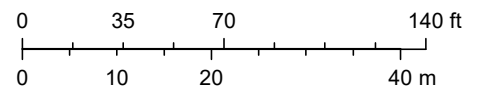
# ArcGIS Web AppBuilder



5/31/2022, 12:15:31 PM

1:1,128

Parcels	Parks	MNWASH032009.sid
Easement Lines	CITY	Red: Band_1
COMPUTED UTILITY_DRAINAGE	MNWASH038007.sid	Green: Band_2
CONSERVATION	Red: Band_1	Blue: Band_3
Address Points	Green: Band_2	MNWASH026009.sid
	Blue: Band_3	Red: Band_1



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Brenda LeCuyer  
1567 Ivory Ave. N.  
Lake Elmo, MN 55042  
5/12/22

To Whom It May Concern:

I authorize Al Woolhouse of A.L Woolhouse Inc to submit variance application request on my behalf for our home at 1567 Ivory Ave N. Lake Elmo, MN 55042.

Kind regards,

 5/12/22

Brenda LeCuyer  
612-615-5016 (cell)



please Send  
Receipt for  
Escrow check 88



RECEIVED

MAY 12 2022

CITY OF LAKE ELMO

THE FOLLOWING ADDRESS OF WHICH WE ARE SEEKING A VARIANCE IS " 1567 IVORY AVE N. LAKE ELMO, MN Pld NO. 2802921130015 WE ARE PROPOSING TO BUILD A 24'X40' DETACHED GARAGE ON THE S-SE SIDE PROPERTY LINE. ACCORDING TO THE CITY OF LAKE ELMO THE SIDE SET BACKS ARE 15' WHICH INCLUDES THE 5' EASEMENT. WE ARE REQUESTING TO MOVE THE DETACHED GARAGE TO THE 5' SIDE EASEMENT TO AVOID THE 4" ACTIVE WELL ON THE PROPERTY. IF THE GARAGE IS TO BE BUILT WITHOUT THE VARIANCE THE WELL WOULD BE IN THE FRONT MIDDLE OF STRUCTURE (SEE PICS) IF WE ARE GRANTED THE VARIANCE THE STRUCTURE WOULD BE BUILT ON THE 5' EASEMENT AND THE WELL LOCATION WOULD BE WITHIN 2' FROM LEFT FRONT OF BUILD STRUCTURE AS OPPOSE TO 12' CENTER OF STRUCTURE WHICH WOULD RESULT IN A TOTAL ACCESSIBILITY TO NEW GARAGE. ALSO ON THE SOUTH SIDE PROPERTY LINE WHERE VARIANCE IS BEING REQUESTED THERE ARE NO CLOSE NEIGHBORING STRUCTURES. (SEE PICS) ALSO WITHOUT THE GRANT OF A VARIANCE THE NE CORNER OF NEW GARAGE WOULD BE THE POOL AREA. (SEE PICS) THE PLAY SET DIRECTLY BEHIND THE PROPOSED GARAGE IS TOTALLY VISIBLE FROM LIVING AND KITCHEN WINDOWS OF HOME FOR MONITORING CHILDRENS ACTIVITY AND SAFETY.



## VARIANCE FOR 1567 IVORY AVE N.

THE STRICT ENFORCEMENT OF THIS CHAPTER WOULD CAUSE MAJOR DIFFICULTIES BECAUSE OF THE LOCATION OF ACTIVE 4" WELL ON PROPERTY. IT WOULD TOTALLY INTERFERE WITH THE ENTRANCE OF PROPOSED GARAGE. SEE PICS

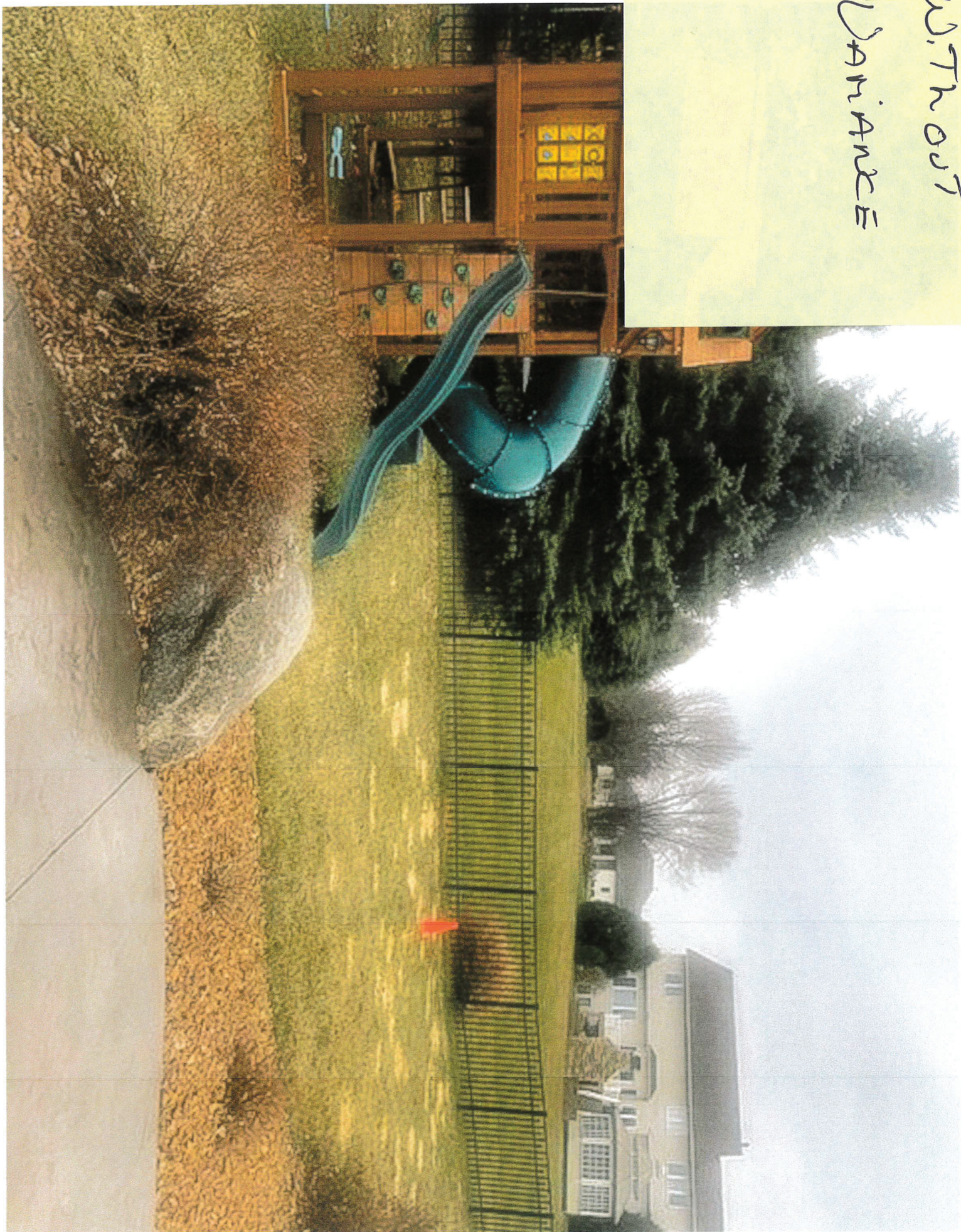
THE LOCATION OF WELL, WHICH IS THE ISSUE IS IN NO WAY THE OWNERS FAULT. THEY PURCHASED THE HOME AS IS WITH THE WELL IN PLACE ALREADY.

THE GRANTING OF THE VARIANCE WOULD NOT ALTER THE CHARACTER OF AREA AT ALL. ITS BEING BUILT FOR RESIDENTIAL STORAGE USE ONLY AND WILL BE LOCATED ON SOUTHSIDE PROPERTY LINE WHERE THERE ARE NO NEIGHBORING STRUCTURES.

SEE PIC

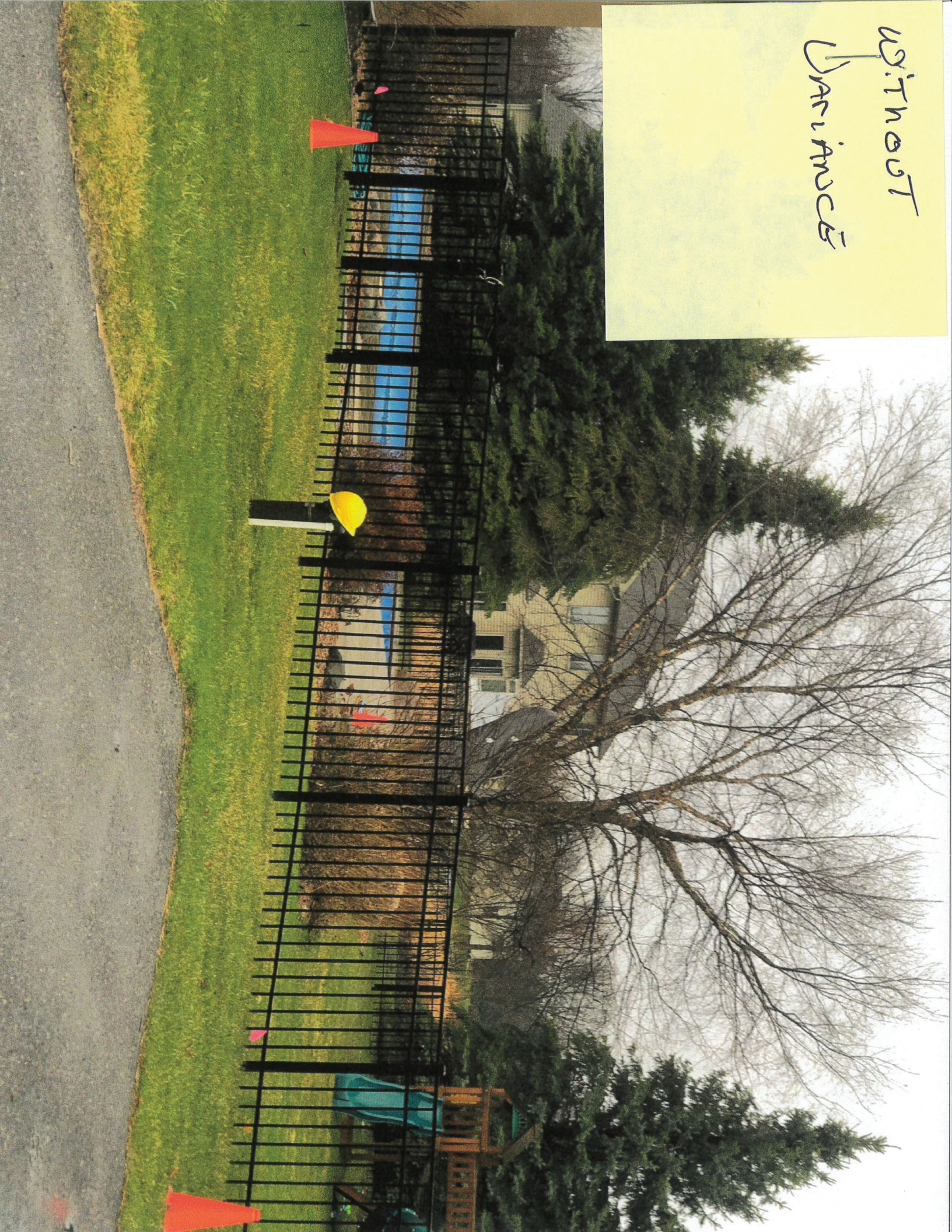


WTHOUT  
DANIELLE





without  
variance



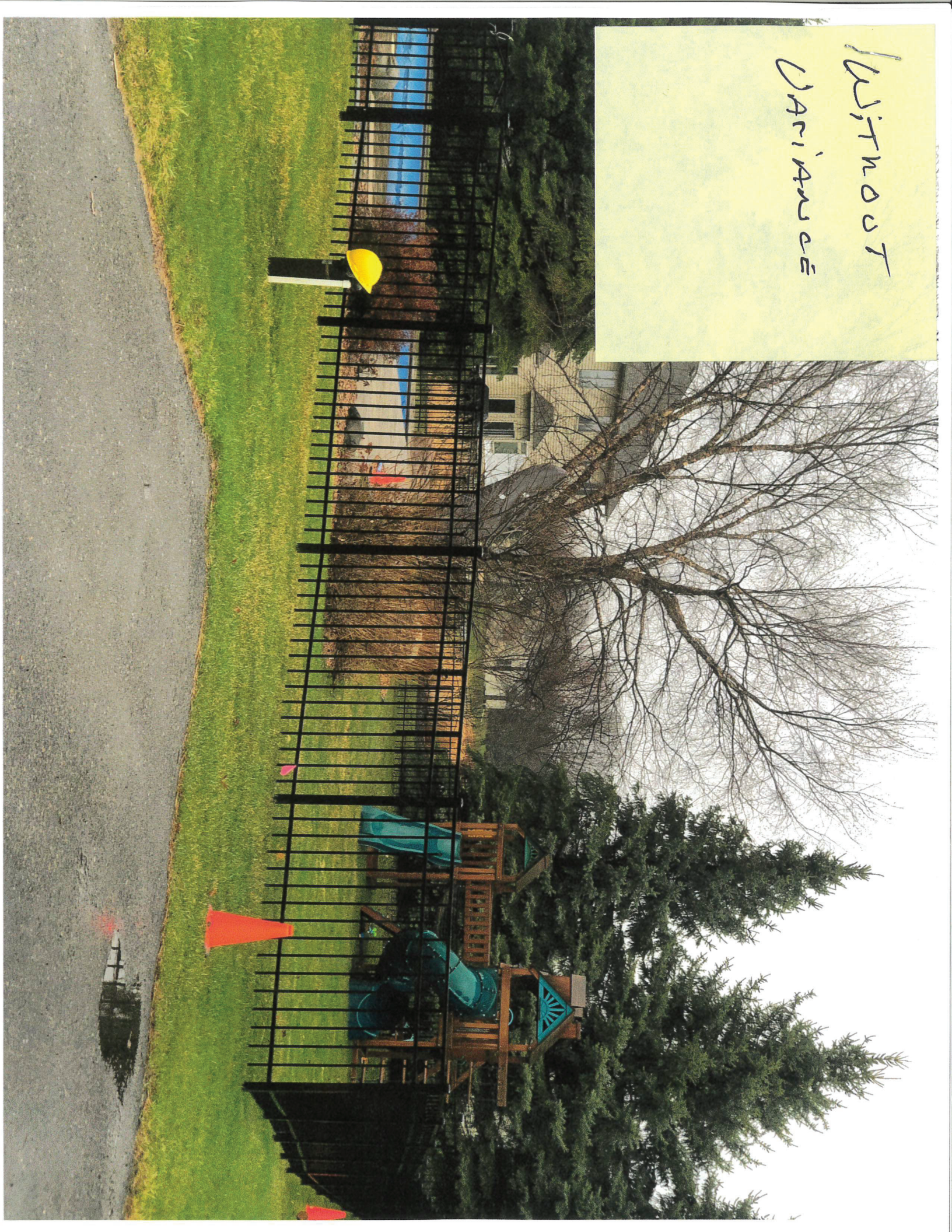


WITHOUT  
VARIANCE



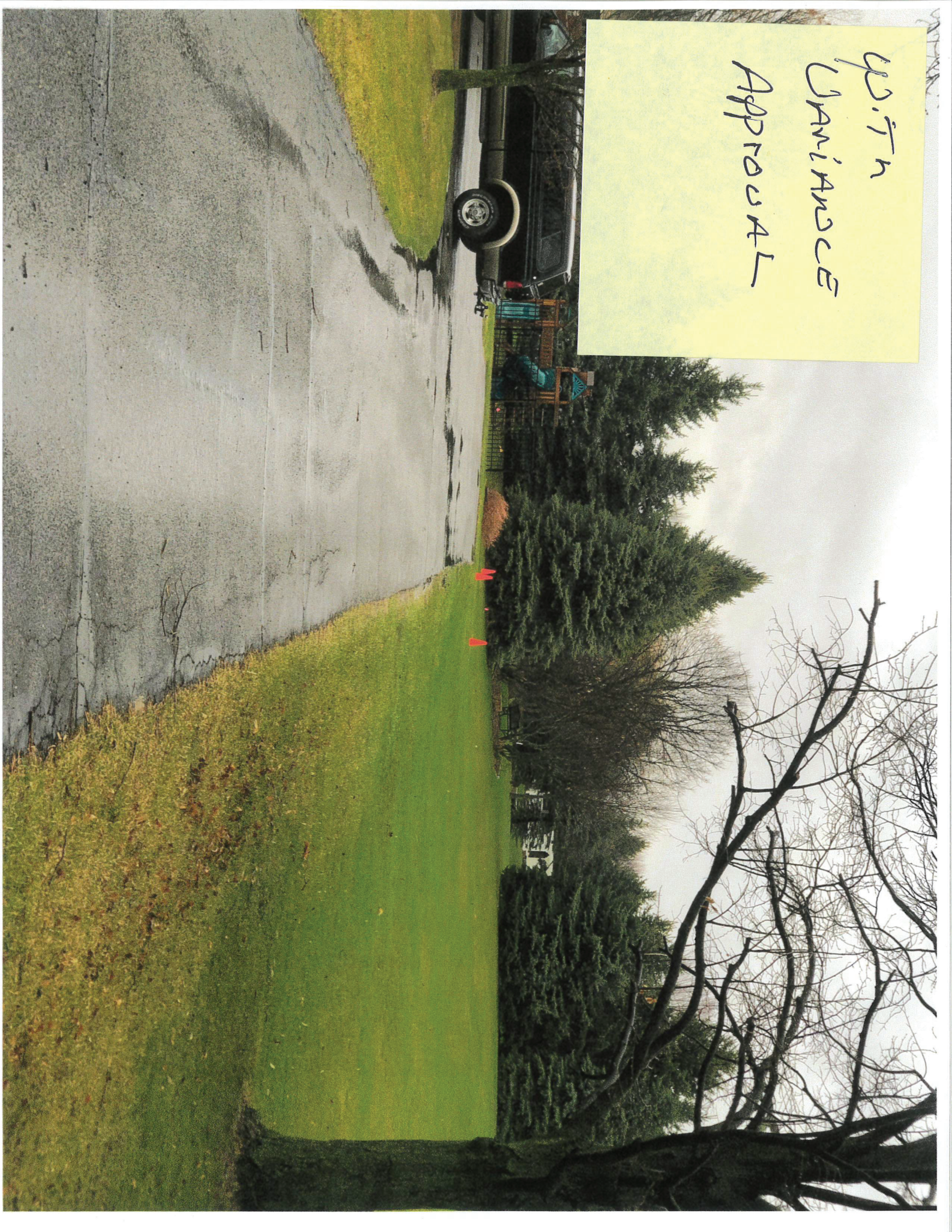


Wilton  
Variante





40TH  
UNIVERSITY  
APPROVAL





Play set behind  
Proposed  
Garage



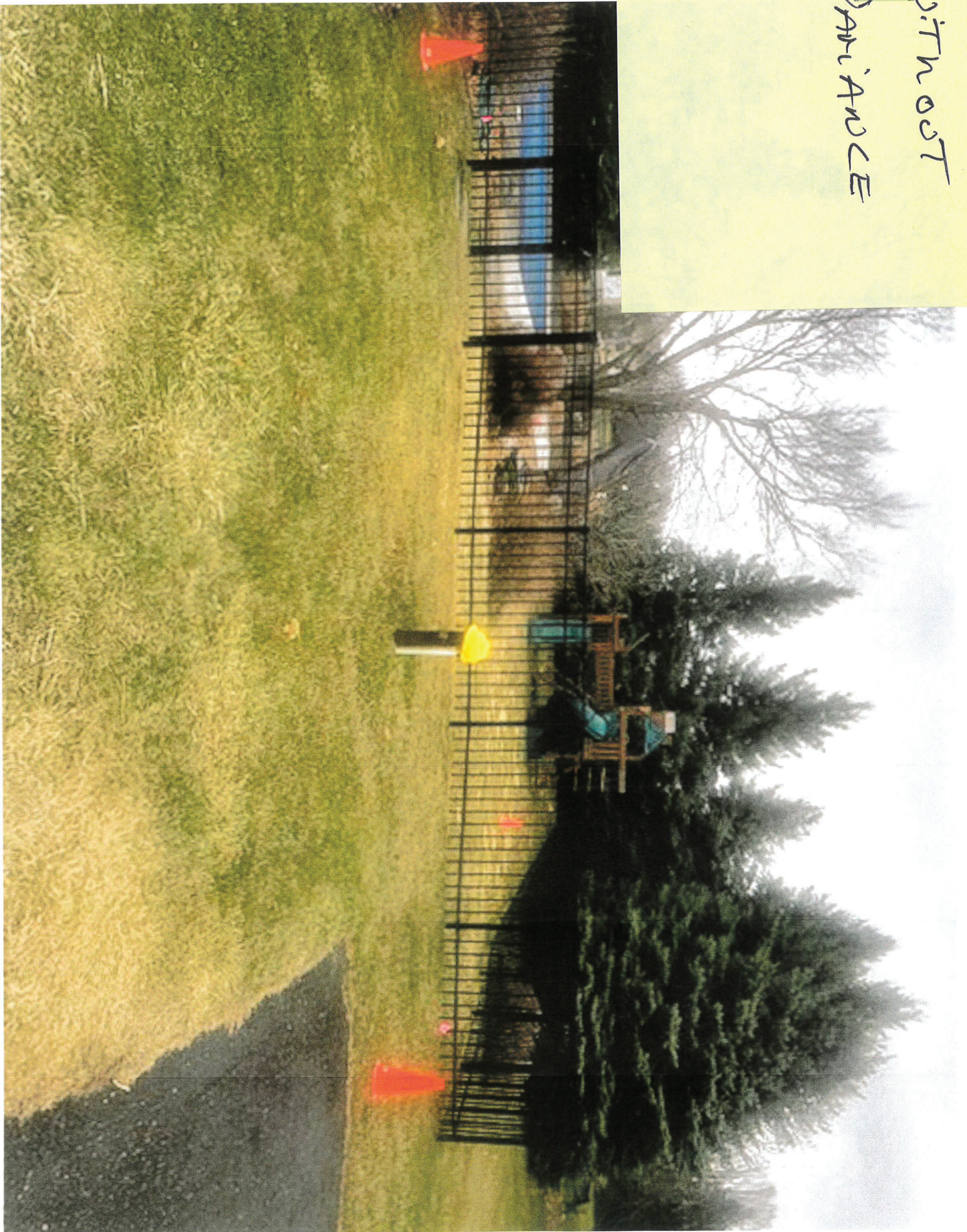


Play set behind  
proposed  
garage



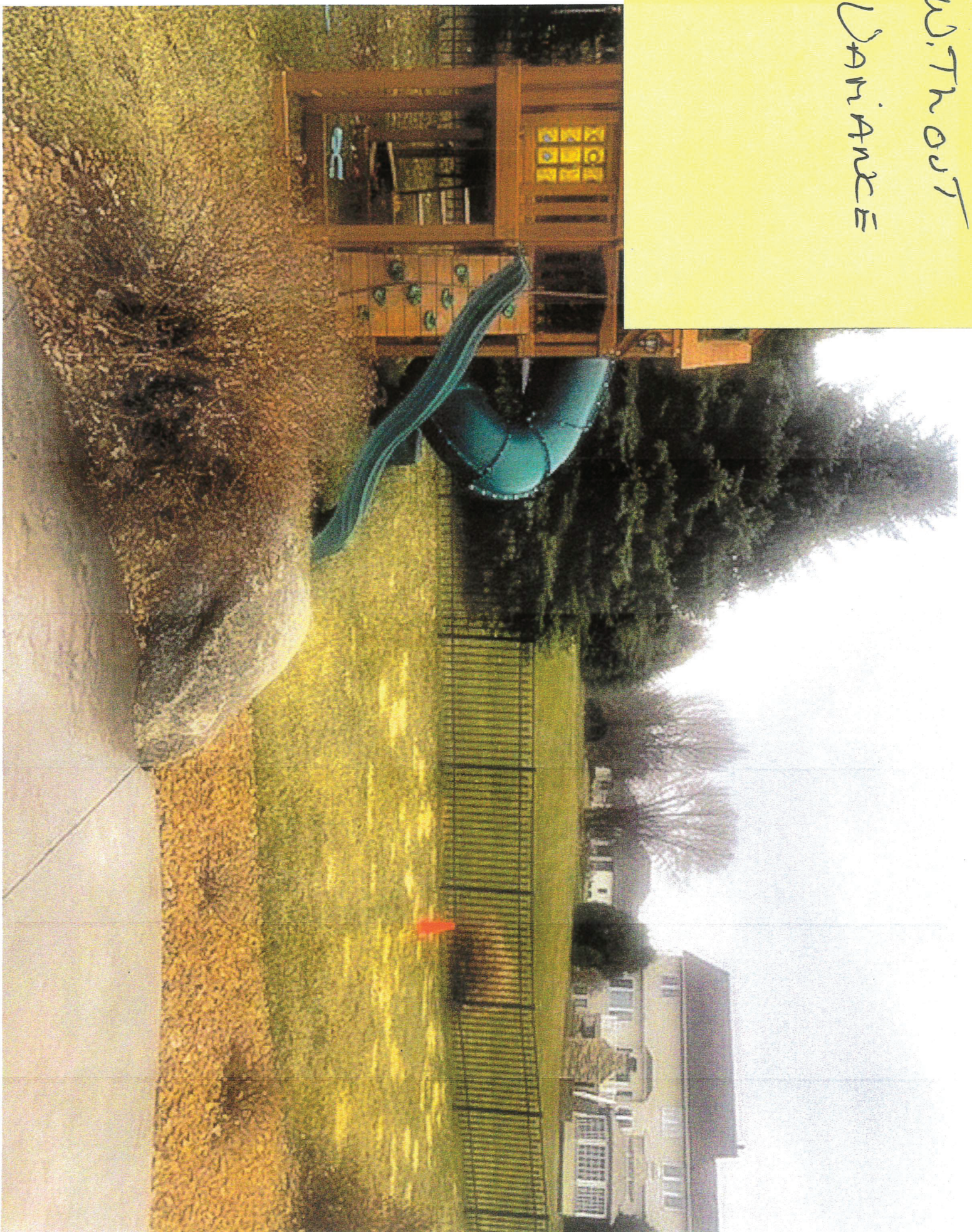


WITH  
VARIANCE





WTHOUT  
DARIANCE





## Conversation with City of Lake Elmo on variance requirements.



Sent from my iPhone

Begin forwarded message:

**From:** Ben Prchal <[BPrchal@lakeelmo.org](mailto:BPrchal@lakeelmo.org)>  
**Date:** April 30, 2021 at 12:21:40 PM CDT  
**To:** Brenda LeCuyer <[brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)>  
**Subject:** RE: Detached garage

E.

I do not know what/if there is a required setback from a well. Though, I would recommend a setback in case you need to replace the well or work on it. I would suggest following up with the building department to see if there is language in the building code regarding a setback from a well.

I have attached the variance application packet which you will need to fill out for review. One thing that I will say, in your narrative it will be important to point out that the well is in the way and that it impacts meeting the setback. An additional item to keep track of is why does it need to go there? For example I could see them asking why the addition cannot be added onto the street side or elsewhere on the lot. Again, just something to prepare for.

Please follow up with additional question, thank you.

**From:** Brenda LeCuyer [<mailto:brenlecuyer@gmail.com>]  
**Sent:** Friday, April 23, 2021 3:01 PM  
**To:** Ben Prchal <[BPrchal@lakeelmo.org](mailto:BPrchal@lakeelmo.org)>  
**Subject:** Re: Detached garage

**Caution:** This email originated outside our organization; please use caution.

Hi Ben,



Thank you for the information and yes, I would like to fill out the form to try and get approval. I reviewed all of your explanations and understand that approval is not guaranteed. I realize driveway alignment is not a major obstacle, but I failed to mention that we have a well water pump that is really the main issue of getting the building too close to the house since it's on this side of house and will also need a clearance due to where it is located. I had a contractor come look at space and he said that there is no way to have a standard door opening with the current set back due to well placement. What is the distance needed from a well? Can you send me the forms needed so I can work on them.

I really appreciate all of the details and clarity you provided in the email which is super helpful.

Thanks,  
Brenda



On Apr 9, 2021, at 1:18 PM, Ben Prchal <[BPrchal@lakeelmo.org](mailto:BPrchal@lakeelmo.org)> wrote:

You can make the request if you would like but I think it is important to review the information below. There are four points that the request needs to be reviewed against and all four need to have a “positive” finding. My examples below are general examples and not necessarily specific to your lot.

Variance:

**F. Required Findings.** Any action taken by the Board of Adjustment to approve or deny a variance request shall include the following findings:

1. **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.

a. Definition of Practical Difficulties. “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.

Essentially is the request reasonable? I think this can be a tough one to address since reason can vary from person to person. The request in itself may be reasonable but the conditions of the request may not be reasonable. For example, it is generally reasonable for a property to ask for an accessory building but it may not be reasonable for a property to request an accessory building that is 2 ft. from the property line when a 10 ft. setback can be achieved.

2. **Unique Circumstances.** The problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant.

This is kind of a two part question. Did you (the property owner) cause the “issues” on site/are you (as the owner) the reason a variance is required. If no, then what is unique about your property that variance approval is warranted? For example, compared to other lots or requests



Hi Al,

My husband has provided answers to the questions Ben asked below. Please add these to the application and submit prior to June 1st deadline.

We didn't answer "e" as we weren't sure what to put if you have any suggestions.

Thanks!  
Brenda



Sent from my iPhone

Begin forwarded message:

From: "LeCuyer, Allen M"

<[allen.lecuyer@usbank.com](mailto:allen.lecuyer@usbank.com)>

Date: May 27, 2022 at 1:43:47 PM CDT

To: Brenda LeCuyer

<[brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)>

Subject: FW: Fw: Fwd: Variance Application

e.

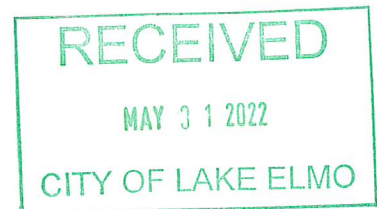
f. The 1567 Ivory Ave N property has a very limited area that would allow the addition of a garage that would not cause an additional substantial financial obstacle to build. Strictly enforcing the Lake Elmo chapter on where a structure could be built would require the homeowners to remove a significant



portion of professional landscaping that is used for privacy and aesthetics in the backyard. Removing the established landscaping would require the homeowners to pay for professional services to remove the existing landscaping and in turn, create/install new landscaping needed for privacy. Finally, and most importantly, the home has an unmovable playset that the young children of the homeowners spend significant time on. Building the garage within the guidelines of the Lake Elmo chapter would cause the garage to obstruct the view of the playset from the home, resulting in the homeowners not being able to comfortably see their children when playing on the playset.

g. The property at 1567 Ivory Ave N already had many large mature evergreen trees on the property when purchased. Those trees, which surrounding properties too enjoy for privacy between homes, are located in the only available, logistical area a garage could be built on the property. Removing the trees would cause a financial hardship on the homeowners as well as negatively impact the aesthetics of multiple properties. In addition, building the garage within the Lake Elmo chapter would require the garage to be built on the existing, in use well. The homeowners are aware that the home may be eligible for city sewer in the future, but the homeowners, knowing continued use of well and septic is an option, have not decided whether to covert the home.

h. Building the garage closer to the lot line with an approved variance would have little to no effect on the neighbors, the neighborhood, or the character of the property. The area the garage would be built on with an approved variance is next to neighbors large backyards and still very far from their houses. In addition, as mentioned above, there are large mature trees that would block the view of the garage from one of the two neighbors this area of the property is against. The variance is asking for the garage to be permitted to be approximately ten feet closer to the property line than if it were within Lake Elmo guidelines, meaning while garage would be closer than guidelines, it would not be significantly visually closer to the property line than without a variance.



From: Ben Hetzel <[BHetzel@lakeelmo.org](mailto:BHetzel@lakeelmo.org)>  
Date: May 27, 2022 at 9:44:34 AM CDT  
To: [brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)  
Cc: Al Woolhouse <[alwoolhouse4151@gmail.com](mailto:alwoolhouse4151@gmail.com)>  
Subject: Variance Application



See note from Ben below to include why we can't use other sides our property.

Please include:

The west side of our property is the front yard of our house and the north side holds our septic system and drain field that runs through to across the street which would make it impossible to build in these areas without relocating a septic system and which would ruin the character in the neighborhood and it needs to also meet the criteria of maintaining the rules of our homeowner association to meet the ascetic in the neighborhood.



Please let me know if this will work.

Thanks,  
Brenda

Sent from my iPhone

Begin forwarded message:

From: Ben Hetzel <[BHetzel@lakeelmo.org](mailto:BHetzel@lakeelmo.org)>  
Date: May 27, 2022 at 4:12:28 PM CDT  
To: [brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)



## Subject: FW: Variance Application

Brenda,

I also received a comment from other Agency Reviewers today who make a good point. What is the justification for the building location when you can build to the north of the house or to the west? Open Space PUD zoning is one of the only zoning districts that do not regulate accessory structure placement from the front and side yard.

Be sure to address this point in your narrative and answering of questions as well!!

Ben Hetzel  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042  
651-747-3911



From: Ben Hetzel  
Sent: Friday, May 27, 2022 9:45 AM  
To: [brenlecuyer@gmail.com](mailto:brenlecuyer@gmail.com)  
Cc: Al Woolhouse <[alwoolhouse4151@gmail.com](mailto:alwoolhouse4151@gmail.com)>  
Subject: Variance Application

Brenda,

Al said I should reach out to you. I also left you a voicemail.

The City Engineer notified me that your property will be eligible for City Water hookup in October. With that being said, there is an opportunity to hook up to city water and abandon your well, which would allow your garage to conform to all setbacks.

The whole justification presented by you and Al as the applicants, is that the well is reason a variance should be granted. My concern is now that there is an option to abandon the well, City Council could have good reason to deny the variance request. I am not saying that will happen, but it is a good possibility. Ultimately, the decision lies with City Council. I wanted to give you all the information I have at this point to make an informed



**decision. You have the following two options:**

- 1. Withdraw the Variance application, hook up to city water, abandone well, meet all setbacks**
  - 2. Continue with the variance request, provide me with new narrative and answers to questions shown below.**
- 
- e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.
  - f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.
  - g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.
  - h. Justify that the granting of the variance would not alter the essential character of the neighborhood.

**I need a decision and/or items above by June 1<sup>st</sup>! Please let me know at your earliest convenience.**

**Ben Hetzel  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042  
651-747-3911**





Brenda,

Al said I should reach out to you. I also left you a voicemail.

The City Engineer notified me that your property will be eligible for City Water hookup in October. With that being said, there is an opportunity to hook up to city water and abandoned your well, which would allow your garage to conform to all setbacks.

The whole justification presented by you and Al as the applicants, is that the well is reason a variance should be granted. My concern is now that there is an option to abandon the well, City Council could have good reason to deny the variance request. I am not saying that will happen, but it is a good possibility. Ultimately, the decision lies with City Council. I wanted to give you all the information I have at this point to make a informed decision. You have the following two options:

1. Withdraw the Variance application, hook up to city water, abandone well, meet all setbacks
  2. Continue with the variance request, provide me with new narrative and answers to questions shown below.
- 
- e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.
  - f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.
  - g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.
  - h. Justify that the granting of the variance would not alter the essential character of the neighborhood.

**I need a decision and/or items above by June 1<sup>st</sup>! Please let me know at your earliest convenience.**

**Ben Hetzel**  
**City Planner**  
**City of Lake Elmo**  
**3800 Laverne Ave. N.**  
**Lake Elmo, MN 55042**  
**651-747-3911**





**From:** [Brenda LeCuyer](#)  
**To:** [Ben Hetzel](#)  
**Cc:** [Al Woolhouse](#)  
**Subject:** Re: Unanswered variance application questions  
**Date:** Wednesday, June 8, 2022 5:58:46 PM

---

**Caution:** This email originated outside our organization; please use caution.

Hi Ben,

Thanks for clarification. I'm really hoping this is helpful and provides enough clarity to get approved. We have been trying to do this project for over a year and would love to move it forward.

The following items are unique to the property and not created by the current owners: well, driveway placement (installed in a 5 ft variance from lot line), landscaping, numerous mature trees on the lot that provide privacy for the home as well as neighbors, and ParkView Estates bylaws. Together they are creating a need for a variance and make the current space not buildable for a detached garage. According to our homeowners association Section 8, all homes designs shall de-emphasize the garage structure by side loading or angling, breaking the garage into separate bays, using rooms or dormers per the garage or pulling the garage into the rear of the home. In addition, properties need to improve the continuity and homogeneity of the neighborhood. It also states that reasonable variances are granted if it is not detrimental to other lots or members. We have spoken with and received support from all affected neighbors, most of which have already emailed their support to Ben Hetzel, the City Planner. The water well location is original to property. With our well location coupled with our desire to build as soon as possible (we have had a signed contract with a builder for over a year to get on their schedule) we are requesting the variance in order to build prior to city water project, a project which homeowners are not yet required to make a decision on. The Minnesota Department of Health records show that we are of the minority of homes in the development that has not been affected by contamination due to our well location depth and we have not been recommended to add filters while always testing in normal data ranges.

I had another quick question as I was speaking to the contractor on the variance fee of \$2250. Is this non-refundable so we have to pay this amount even if it's denied? How does the fee \$1000 escrow fee work in addition to the \$1250? It wasn't clear so I wanted to understand this better if possible.

Best,  
Brenda

On Jun 8, 2022, at 11:56 AM, Ben Hetzel <[BHetzel@lakeelmo.org](mailto:BHetzel@lakeelmo.org)> wrote:

<image001.png>

The question above was not really answered in the variance application. Without a reasonable answer I would have to recommend denial, but it could still be



recommended for approved by the Planning Commission.

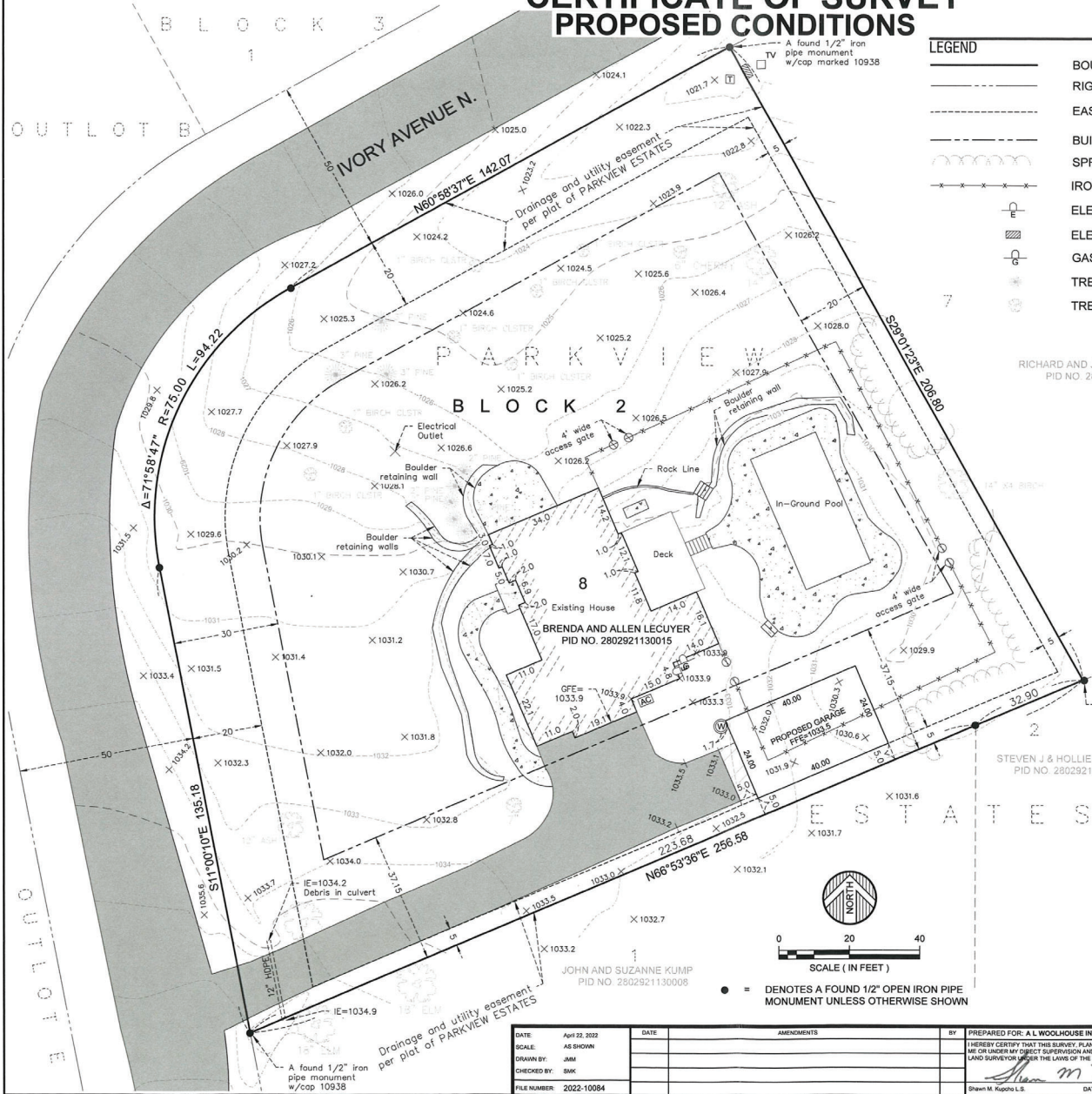
Basically, you will have to explain how the circumstances that you have explained for needing a variance were not created by you. You cannot use a self created hardship. For example, if you placed the playset in its current location, then it's a self created hardship. If you had the landscape placed where it is, then it's a self-created hardship. The argument could be made that by not hooking up to city water could be a self created hardship as well. Please provide me an answer to this question by 9 am tomorrow morning.

Thank you! I am just trying to check off all the bases here.

Ben Hetzel  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042  
651-747-3911



# CERTIFICATE OF SURVEY PROPOSED CONDITIONS



## LEGEND

	BOUNDARY LINE		TELE PEDESTAL
	RIGHT OF WAY LINE		TV PEDESTAL
	EASEMENT LINE		WATER WELL
	BUILDING SETBACK LINE		FENCE POST
	SPRUCE EDGE		AC UNIT
	IRON FENCE		BUILDING WALL HATCH
	ELEC METER		BITUMINOUS SURFACE
	ELEC TRANSFORMER BOX		CONCRETE SURFACE
	GAS METER		PROPOSED DRIVEWAY SURFACE
	TREE CONIFER		
	TREE DECIDUOUS		

RICHARD AND JEAN ROLANDO  
PID NO. 2802921130014

## PROPERTY DESCRIPTION:

(Quit Claim Deed Doc. No. 4348275)  
Lot 8, Block 2, PARKVIEW ESTATES, Washington County, Minnesota.

## IMPERVIOUS CALCULATIONS:

Area of Property	: 43,559 Sq. Ft.
House	: 2,556 Sq. Ft.
Bituminous Surface	: 2,897 Sq. Ft.
Concrete Surface	: 2,000 Sq. Ft.
Proposed Garage	: 960 Sq. Ft.
Proposed Driveway	: 80 Sq. Ft.
<b>Total Impervious</b>	<b>: 8,493 Sq. Ft.</b>
<b>Percent Impervious</b>	<b>: 19.5%</b>

RECEIVED  
MAY 12 2022  
CITY OF LAKE ELMO

STEVEN J & HOLLIE ADAMS  
PID NO. 2802921130009

## SURVEY NOTES:

- The orientation of this bearing system is based on the southerly line of Lot 8, bearing N66°53'36"E.
  - The address of the subject property is 1567 Ivory Ave. N, Lake Elmo, MN 55042. PID No. 2802921130015.
  - Local Benchmark - MNDOT Geodetic Monument - JESSICA - Elev=917.150 NAVD88 Site Benchmark - Top of Well Head Elevation=1034.93 NAVD88
  - The area of the subject property is 43,559 Sq. Ft. or 1.00 Acre.
  - The property is zoned OP - Openspace PUD
    - Building setbacks
      - Front : 30 Feet
      - Rear : 20 Feet
      - Side : 37.15 Feet
- The interior side setback is 15 feet or 10% of the width of the front yard line whichever is greater. The length of the Right-of-Way is 371.47 feet X .10 = 37.147 ft.  
(Per Sophia Jensen - Code Enforcement Official (651) 747-3911)

6. The field work was performed on January 20, 2022.

© 2022 WIDSETH

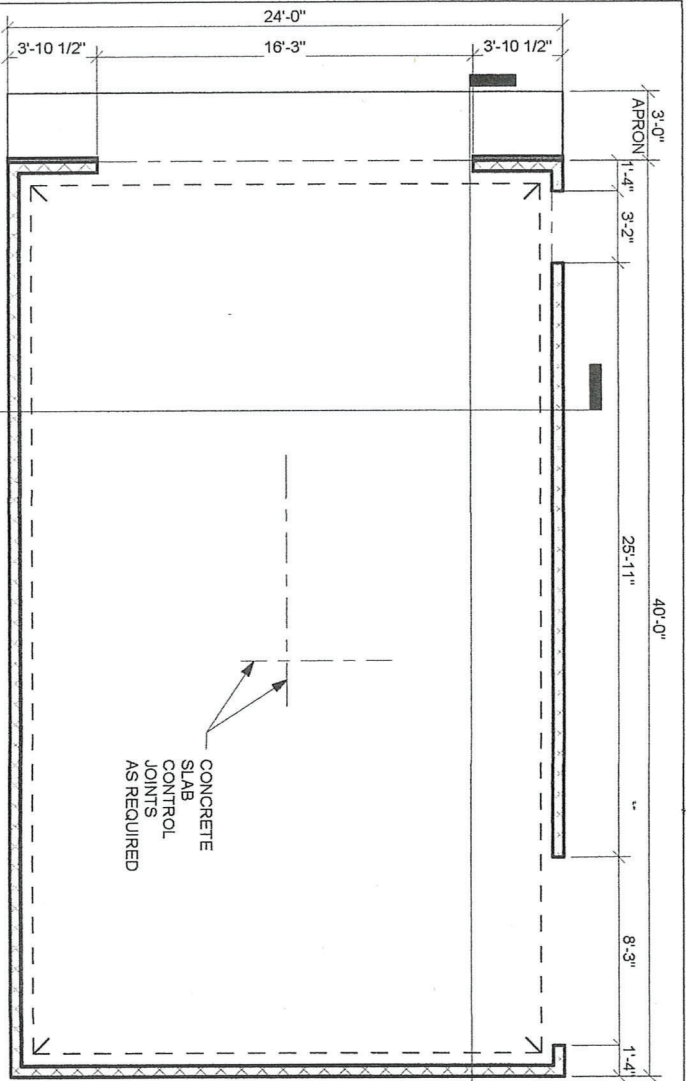
DATE: April 20, 2022	DATE:	AMENDMENTS:	BY:	PREPARED FOR: A.L. WOOLHOUSE INC.
SCALE: AS SHOWN				
DRAWN BY: JMM				
CHECKED BY: SMK				
FILE NUMBER: 2022-10084				

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Steven M. Ruppel, L.S. DATE: 4/20/22 LIC. NO.: 49021

**WIDSETH**  
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS



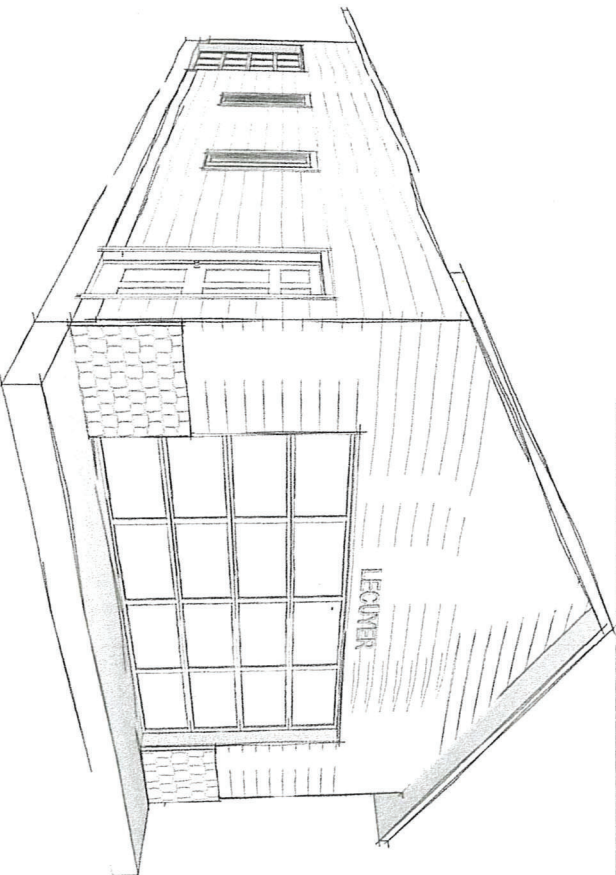


By signing this drawing set, I'm stating I have reviewed these drawings entirely for the basic dimensional accuracy in accordance with my requirements. The overall size and location of openings match my design intent, and changes may result in scope evaluation, increased cost, and additional drafting costs.

Name:

Signature

RESERVED FOR ELECTRONIC PLAN REVIEW STAMPS



13414 182nd Ave. NW  
Elk River, MN 55330  
www.ALWoolhouse.com  
612-401-0092

AL WOOLHOUSE  
ARCHITECTS

BRENDA LECUYER RESIDENCE  
1567 Ivory Avenue North, Lake Elmo, MN 55042

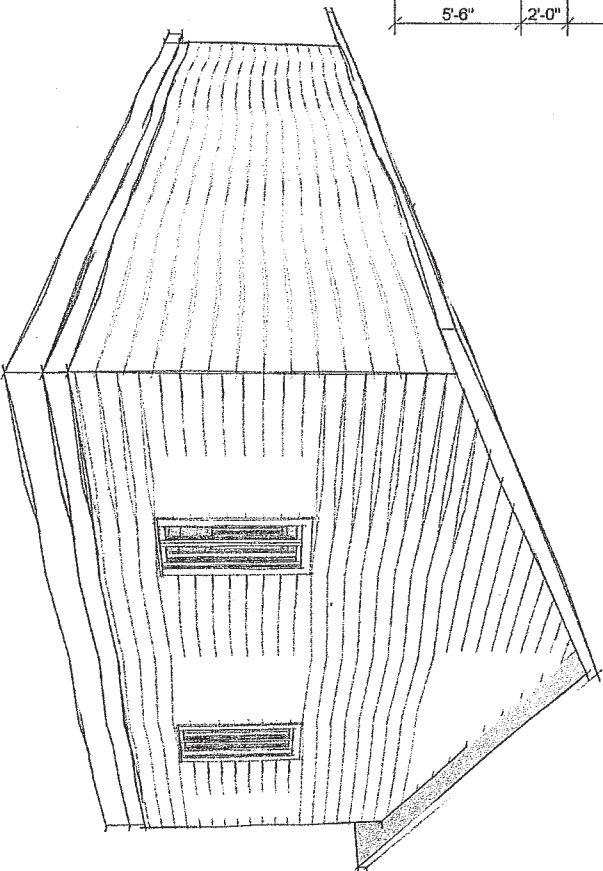
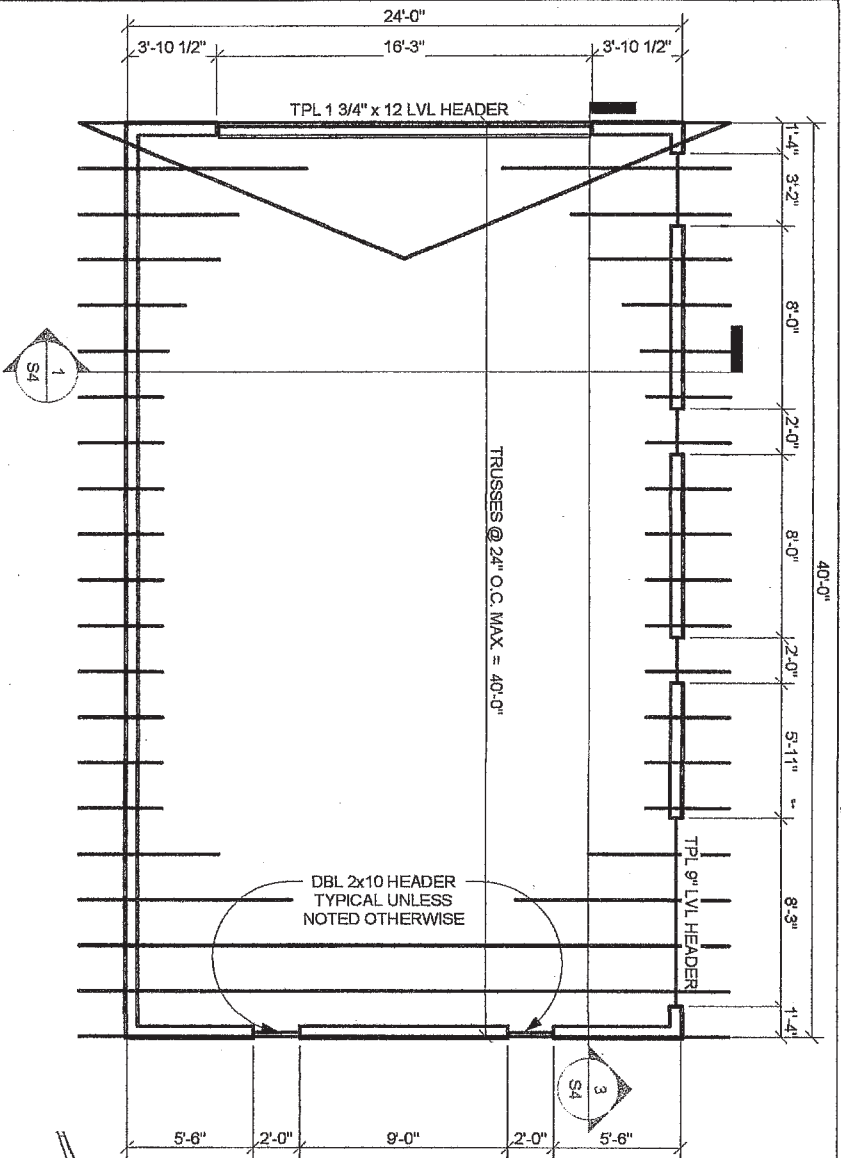
FOUNDATION PLAN

Project number 21.096  
Date 11/1/2021  
Drawn by TMD  
Checked by LVW

S1

Scale As indicated





**AL WOOLHOUSE**  
 13414 182nd Ave. NW  
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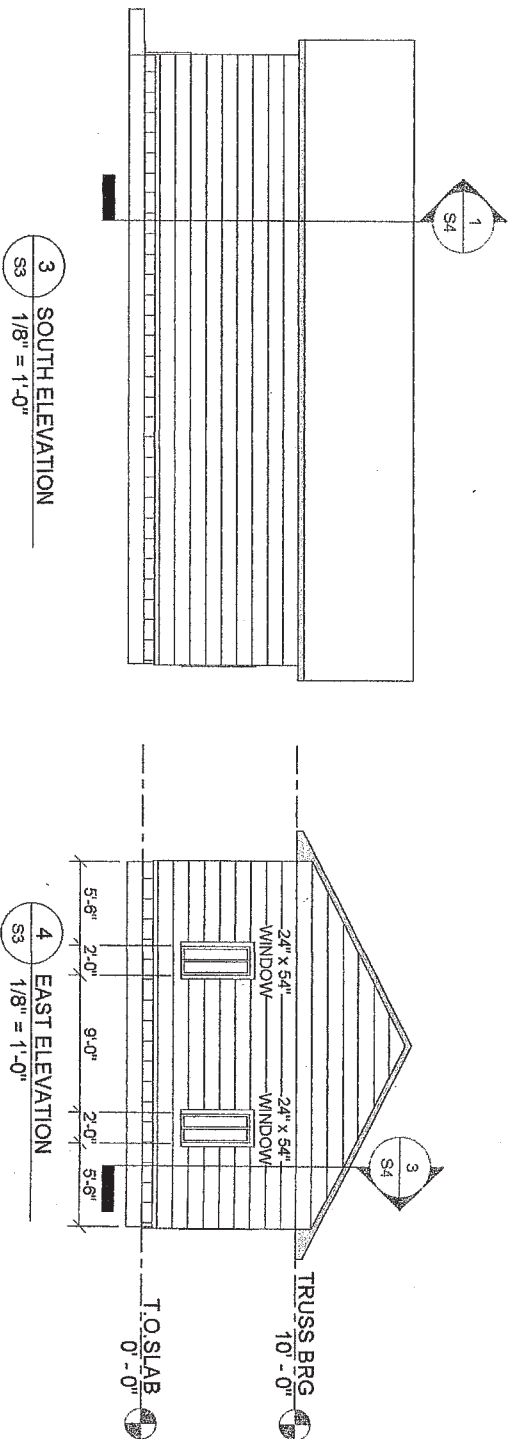
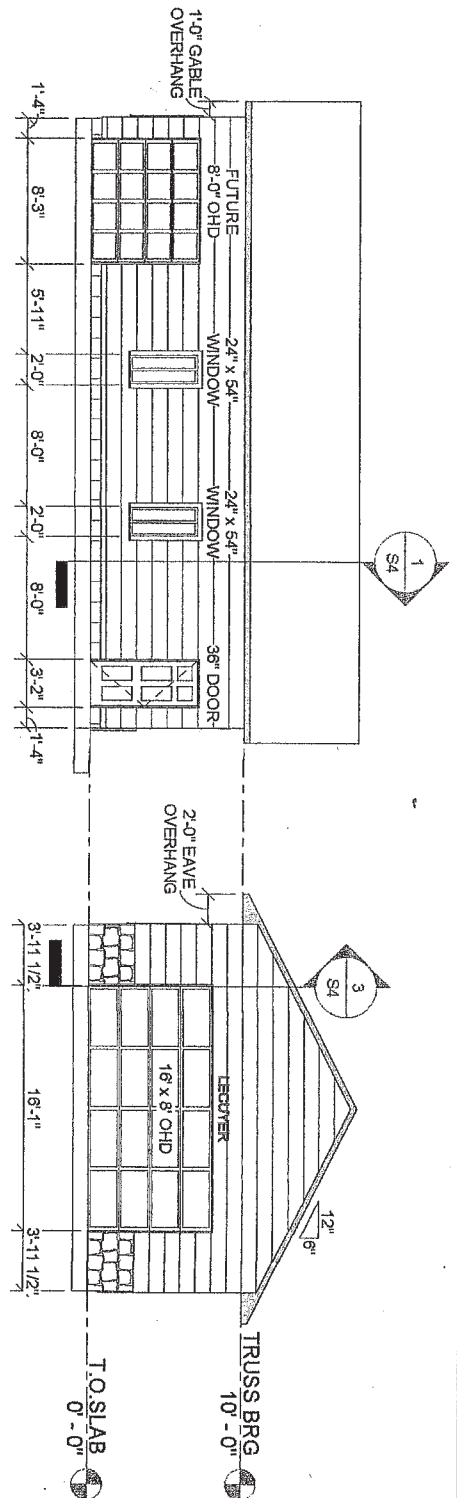
**BRENDA LECUYER RESIDENCE**  
 1567 Ivory Avenue North, Lake Elmo, MN 55042

**ROOF FRAMING PLAN**

Project number 21.096  
 Date 11/1/2021  
 Drawn by TMD  
 Checked by LW  
 Scale As indicated

**S2**





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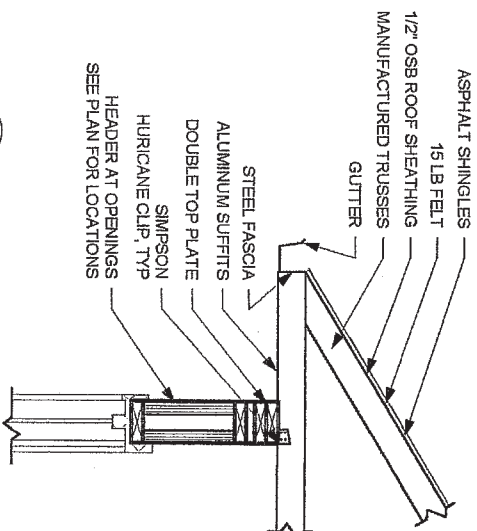
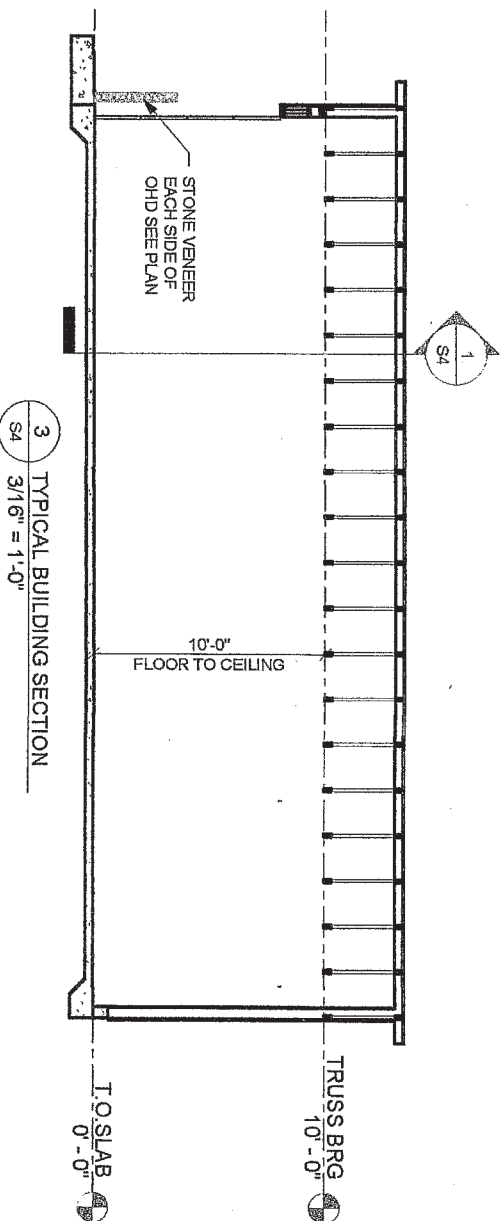
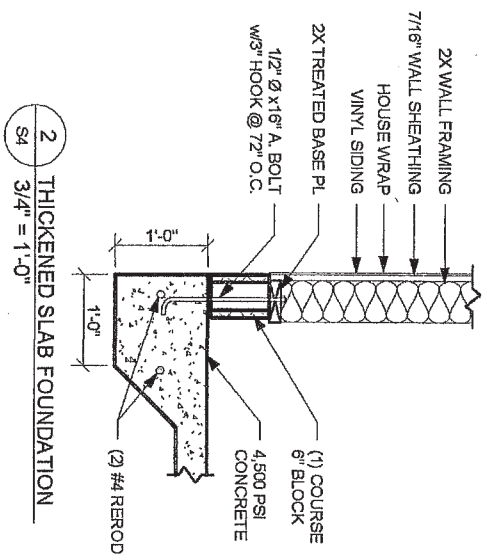
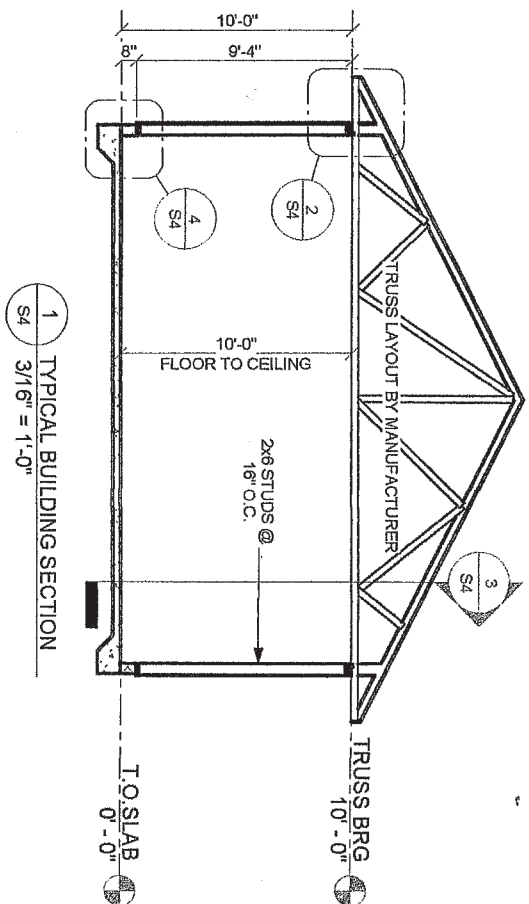
## BRENDA LECUYER RESIDENCE

1567 Ivory Avenue North, Lake Elmo, MN 55042

## ELEVATIONS

Project number	21.096	S3
Date	11/1/2021	
Drawn by	TMD	
Checked by	LW	Scale As indicated





## BRENDIA LECUYER RESIDENCE

1567 Ivory Avenue North, Lake Elmo, MN 55042

## BUILDING SECTIONS

Project number 21.096  
Date 11/1/2021  
Drawn by TMD  
Checked by LW

S4

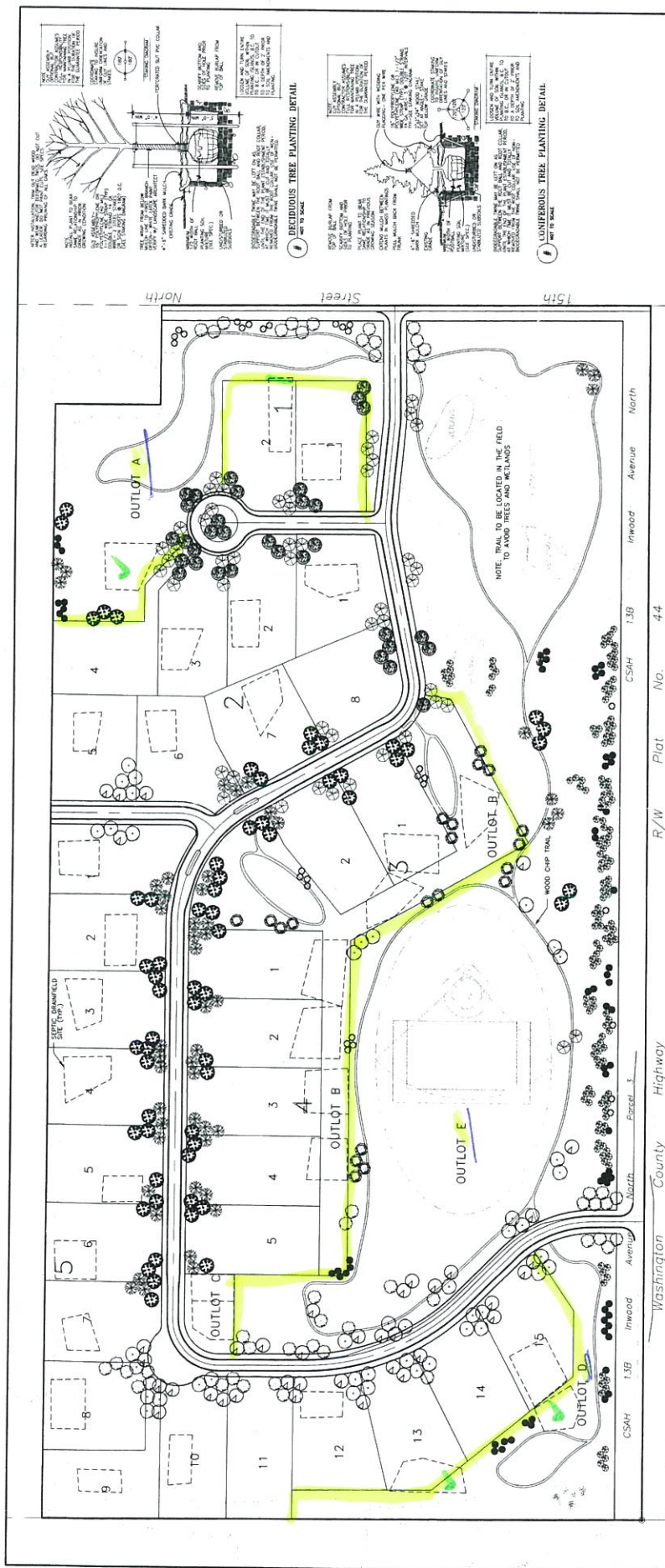
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AL WOOLHOUSE  
182nd Ave. NW  
Elk River, MN 55330





**LANDSCAPE LEGEND**

KEY	SYMBOLICAL NAME	COMMON NAME	POST	QTY	REMARKS
PP	Plantings	COLORADO SPRUCE	6" HT	50	
PS	Plantings	SCOTCH PINE	6" HT	61	
AR	Plantings	RED MAPLE	1.5" DB	33	
AS	Plantings	RED MAPLE	1.5" DB	43	
BR	Plantings	RIVER BIRCH	1.5" DB	20	
CO	Plantings	HOCKEY	1.5" DB	49	
FA	Plantings	GREEN ASH	1.5" DB	50	
PT	Plantings	QUAKING ASPEN	1.5" DB	150	
OR	Plantings	NORTHERN RED OAK	1.5" DB	62	
LA	Plantings	AMERICAN LINEN	1.5" DB	36	
DB	Plantings	SHARP WHITE OAK	1.5" DB	31	

- PLANTING NOTES**
1. All plantings shall be installed in accordance with the specifications of the Minnesota Department of Transportation (MNDOT) and the Minnesota Department of Natural Resources (DNR).
  2. All plantings shall be installed in accordance with the specifications of the Minnesota Department of Transportation (MNDOT) and the Minnesota Department of Natural Resources (DNR).
  3. All plantings shall be installed in accordance with the specifications of the Minnesota Department of Transportation (MNDOT) and the Minnesota Department of Natural Resources (DNR).
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  20. All plantings shall be installed in accordance with the specifications of the Minnesota Department of Transportation (MNDOT) and the Minnesota Department of Natural Resources (DNR).

DESIGNED BY: KDC  
 DRAWN BY: KDC  
 DATE: 1/23/98  
 CHECKED BY: KDC  
 APPROVED BY: KDC  
 DATE: 1/23/98  
 COMMENTS: REVISIONS

**MIFRA**  
 MICHIGAN INFRASTRUCTURE FINANCIAL ASSOCIATES, INC.  
 612-475-8200  
 612-475-8202  
 612-475-8203

**PARKVIEW ESTATES**  
 LYMAN DEVELOPMENT COMPANY  
 LAKE ELMO, MINNESOTA

BOOK: 1753  
 PAGE: 1753  
 SHEET: 1  
 OF: 1  
 LANDSCAPE PLAN  
 Approved by: 02-00-21-198



## Ben Hetzel

---

**From:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>  
**Sent:** Wednesday, May 25, 2022 7:22 PM  
**To:** Ben Hetzel  
**Cc:** Molly Just; Chad Isakson  
**Subject:** Re: Lake Elmo Land Use Application Review - 1st Batch for May  
**Attachments:** 2022-05-25 1567 Ivory Avenue Variance.pdf; 2022-05-25 NNG Grading Permit.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Caution:** This email originated outside our organization; please use caution.

Please see the attached plan review comments for the 1567 Ivory Ave side yard setback variance and NNG Grading Permit. Engineering has no comment on the Animal Inn Zoning Text Amendment. Please let me know if there is any further engineering assistance requested for this planning issue.

Thanks ~Jack

John (Jack) W. Griffin, P.E.  
Principal / Sr. Municipal Engineer

**FOCUS** ENGINEERING, INC.  
651.300.4264  
[jack.griffin@focusengineeringinc.com](mailto:jack.griffin@focusengineeringinc.com)

On Tue, May 17, 2022 at 4:49 PM Molly Just <[MJust@lakeelmo.org](mailto:MJust@lakeelmo.org)> wrote:  
Greetings,

Please see the Dropbox link below. This is the first batch of Lake Elmo land use applications pending for May. You are asked to review the applications as Lake Elmo staff or as a stakeholder in the area of a pending application. Please provide your input to Ben Hetzel by the deadline provided below.

[https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD\\_qBXD6Su-XyndXNSwllxa?dl=0](https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD_qBXD6Su-XyndXNSwllxa?dl=0)

**Variance:** 1567 Ivory Avenue N. Al Woolhouse on behalf of Brenda LeCuyer is requesting a variance to allow a 5 foot side yard setback where 15 feet is required to construct a detached garage. OP-PUD Open Space PUD, Valley Branch Watershed District. June 13th Planning Commission. **Please have feedback to Ben Hetzel by Monday, May 30th.**

**Zoning Text Amendment:** 8611 34th Street N. Animal Inn is requesting to amend Table 12-1 of Section 105.12.920 to allow a commercial kennel as a conditional use in the Limited Commercial zoning district. LC Limited Commercial, Valley Branch Watershed District. June 13th Planning Commission. **Please have feedback to Ben Hetzel by Monday, May 30.**



**Grading Permit:** PID: 1202921120002. Northern Natural Gas is requesting a grading permit for the movement of 200 cubic yards of material to install a natural gas pipeline inspection gauge launcher. OP-Open Space PUD, Valley Branch Watershed District, Shoreland Management Overlay District. **Please have feedback to Ben Hetzel by Friday, May 27th.**

Molly Just  
Planning Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042  
651-747-3912  
[mjust@lakeelmo.org](mailto:mjust@lakeelmo.org)  
[http://www.lakeelmo.org/departments/planning\\_zoning/index.php](http://www.lakeelmo.org/departments/planning_zoning/index.php)



## Ben Hetzel

---

**From:** Dustin Kalis  
**Sent:** Wednesday, May 25, 2022 9:47 AM  
**To:** Molly Just; Ben Hetzel  
**Cc:** Anthony Svoboda  
**Subject:** RE: Lake Elmo Land Use Application Review - 1st Batch for May

Molly & Ben,

Here are the fire department comments for the following projects:

**Variance: 1567 Ivory Avenue N.** - Ensure address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.

**Zoning Text Amendment: 8611 34th Street N. Animal Inn.** No comments specific to the Zoning Text amendment. Further discussion will need to take place regarding this project as it moves forward. Currently the Animal inn operates out of 3 separate buildings all using the 8611 address. We have also been dealing with Fire Lane/No Parking issues between the Animal Inn Pet Report (applicant) and the Animal Inn Training School (separate business at 8633 34<sup>th</sup> St. N.) Whatever the Animal Inn Pet Resort proposes construction wise will have an impact on these issues and the FD will have additional comments once other knowns are in place.

**Grading Permit: PID: 1202921120002.** Applicant or Contractor shall notify the Fire Department of any gas releases that impact the area.

**Dustin Kalis | Fire Chief**

Lake Elmo Fire Department

Fire Station #1 - 3510 Laverne Ave. N. | Lake Elmo, MN | 55042

651-747-3933 office | [www.lakeelmo.org](http://www.lakeelmo.org)

---

**From:** Molly Just

**Sent:** Tuesday, May 17, 2022 4:50 PM

**To:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>; Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>; Dustin Kalis <DKalis@lakeelmo.org>; Harding, Sarah <Sarah.Harding@stantec.com>; Rachel.Burand@stantec.com; jhanson@barr.com; daniel.scollan@state.mn.us; Marty Powers <MPowers@lakeelmo.org>

**Cc:** Ben Hetzel <BHetzel@lakeelmo.org>; Diane Wendt <DWendt@lakeelmo.org>

**Subject:** Lake Elmo Land Use Application Review - 1st Batch for May

Greetings,

Please see the Dropbox link below. This is the first batch of Lake Elmo land use applications pending for May. You are asked to review the applications as Lake Elmo staff or as a stakeholder in the area of a pending application. Please provide your input to Ben Hetzel by the deadline provided below.

[https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD\\_qBXD6Su-XyndXNSwlIxa?dl=0](https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD_qBXD6Su-XyndXNSwlIxa?dl=0)

**Variance:** 1567 Ivory Avenue N. Al Woolhouse on behalf of Brenda LeCuyer is requesting a variance to allow a 5 foot side yard setback where 15 feet is required to construct a detached garage. OP-PUD Open Space



PUD, Valley Branch Watershed District. June 13th Planning Commission. **Please have feedback to Ben Hetzel by Monday, May 30th.**

**Zoning Text Amendment:** 8611 34th Street N. Animal Inn is requesting to amend Table 12-1 of Section 105.12.920 to allow a commercial kennel as a conditional use in the Limited Commercial zoning district. LC Limited Commercial, Valley Branch Watershed District. June 13th Planning Commission. **Please have feedback to Ben Hetzel by Monday, May 30.**

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Molly Just  
Planning Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042  
651-747-3912  
[mjust@lakeelmo.org](mailto:mjust@lakeelmo.org)  
[http://www.lakeelmo.org/departments/planning\\_zoning/index.php](http://www.lakeelmo.org/departments/planning_zoning/index.php)



## Ben Hetzel

---

**From:** Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>  
**Sent:** Friday, May 27, 2022 3:22 PM  
**To:** Molly Just; Ben Hetzel  
**Cc:** Sonsalla, Sarah J.; Tierney, Rachel G.  
**Subject:** RE: Lake Elmo Land Use Application Review - 1st Batch for May

**Caution:** This email originated outside our organization; please use caution.

Hi Molly and Ben,

I reviewed the applications. My only comment relates to the variance for 1567 Ivory Avenue. I did not see any reason why they could not put the new garage on the other side of the house. I think that they are going to need to have an explanation for this in order to be able to prove that there are practical difficulties.

I didn't have any comments with respect to the Northern Natural Gas grading permit or the Animal Inn zoning text amendment.

Let me know if you have any questions.

Thanks!

Sarah

**Sarah J. Sonsalla | Attorney | Kennedy & Graven, Chartered** | 150 South Fifth Street, Suite 700 | Minneapolis, MN 55402 | direct: 612.337.9284 | fax: 612.337.9310 | e-mail: [ssonsalla@kennedy-graven.com](mailto:ssonsalla@kennedy-graven.com)

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**From:** Molly Just <MJust@lakeelmo.org>  
**Sent:** Tuesday, May 17, 2022 4:50 PM  
**To:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>; Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>; Dustin Kalis <DKalis@lakeelmo.org>; Harding, Sarah <Sarah.Harding@stantec.com>; Rachel.Burand@stantec.com; jhanson@barr.com; daniel.scollan@state.mn.us; Marty Powers <MPowers@lakeelmo.org>  
**Cc:** Ben Hetzel <BHetzel@lakeelmo.org>; Diane Wendt <DWendt@lakeelmo.org>  
**Subject:** Lake Elmo Land Use Application Review - 1st Batch for May

Greetings,

Please see the Dropbox link below. This is the first batch of Lake Elmo land use applications pending for May. You are asked to review the applications as Lake Elmo staff or as a stakeholder in the area of a pending application. Please provide your input to Ben Hetzel by the deadline provided below.

[https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD\\_qBXD6Su-XyndXNSwlIxa?dl=0](https://www.dropbox.com/sh/la03jp2of7klzv0/AAAD_qBXD6Su-XyndXNSwlIxa?dl=0)

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Molly Just  
Planning Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042  
651-747-3912  
[mjust@lakeelmo.org](mailto:mjust@lakeelmo.org)  
[http://www.lakeelmo.org/departments/planning\\_zoning/index.php](http://www.lakeelmo.org/departments/planning_zoning/index.php)



## Ben Hetzel

---

**From:** Jean and Rick Rolando <rolandofamily85@gmail.com>  
**Sent:** Monday, June 6, 2022 4:10 PM  
**To:** Ben Hetzel  
**Subject:** Public Hearing for LeCuyer detached garage

**Caution:** This email originated outside our organization; please use caution.

Ben,

We are not able to attend the public hearing on June 13th regarding the side yard set back variance for the detached garage at the LeCuyer residence on Ivory Avenue.

We 100% support the variance request and support the request of the LeCuyers to build a detached garage at their desired location.

Sincerely,

Rick and Jean Rolando  
1583 Ivory Ave N.

Sent from [Mail](#) for Windows



## Ben Hetzel

---

**From:** Steve Adamsky <steveadamsky@yahoo.com>  
**Sent:** Tuesday, June 7, 2022 1:06 PM  
**To:** Ben Hetzel  
**Subject:** Re: 1567 Ivory Ave N Variance Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Caution:** This email originated outside our organization; please use caution.

According to this plan, the trees in the SE corner of Lecuyer's lot are not being removed. If that is the final plan, we have no objections.

Steve Adamsky  
steveadamsky@yahoo.com

On Monday, June 6, 2022, 03:14:02 PM CDT, Ben Hetzel <bhetzel@lakeelmo.org> wrote:

Please see the attached certificate of survey showing the proposed garage location. The required property line setback is 15 ft. They are requesting to reduce the property line setback to 5 ft.

Ben Hetzel

City Planner

City of Lake Elmo

3800 Laverne Ave. N.

Lake Elmo, MN 55042

651-747-3911





## **STAFF REPORT**

DATE: 06/13/2022

**REGULAR**

ITEM#: 4b – PUBLIC HEARING

**MOTION**

**TO:** Planning Commission  
**FROM:** Ben Hetzel, Lake Elmo City Planner  
**AGENDA ITEM:** **Side Yard Setback Variance Request at 1567 Ivory Ave N**  
**REVIEWED BY:** Molly Just, Planning Director

---

### **INTRODUCTION:**

Al Woolhouse (Applicant) on behalf of Brenda LeCuyer (Property Owner) recently submitted an application for a side yard setback variance for the property located at 1567 Ivory Avenue N located in the subdivision of Parkview Estates Open Space PUD– Parcel 28.029.21.13.0015 (Subject Property). The property owner is proposing to construct a detached garage to the southeast of the existing home and southwest of an existing in-ground pool and patio. To do this, the applicants are requesting to encroach within the 15 foot side yard setback as required by the Open Space PUD zoning district. The proposed garage would be placed at the end of an existing driveway and abut a 5-foot drainage and utility easement located along the south property line. The applicant is requesting the maximum relief from the setback while not placing the structure within the drainage and utility easement.

### **ISSUE BEFORE PLANNING COMMISSION:**

The Planning Commission is being asked to hold a public hearing, review, and make a recommendation on the request to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Ave N.

### **VARIANCE REQUEST DETAILS/ANALYSIS:**

<i>Address:</i>	1567 Ivory Ave N
<i>PID:</i>	28.029.21.13.0015
<i>Existing Zoning:</i>	Rural Single Family, Open Space PUD, Valley Branch Watershed District
<i>Surrounding Zoning:</i>	North, South, & East: Open Space PUD West: Public Facilities
<i>Deadline for Action:</i>	Application Complete – 5/31/2022 60 Day Deadline – 7/31/2022 Extension Letter Mailed – N/A 120 Day Deadline – N/A
<i>Applicable Regulations:</i>	Article V - Zoning Administration and Enforcement Article XVII – Open Space Planned Unit Developments

**Reason for Request:** The applicant proposes to construct a 24-foot by 40-foot detached garage within the required 15-foot side yard setback. The required side yard setback for Open Space PUD zoning is 15-feet or ten percent of the lot area as per Section 105.12.1050(6)b.1.v.

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**REVIEW AND ANALYSIS/DRAFT FINDINGS:**

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 set forth by the MN Stat. 462.357 subd.6 before the City may grant an exception or modification to city code requirements. These criteria are listed below, along with comments from Staff about the applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "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 applicant states that meeting the required setback near the desired building location would involve the removal and replacement of a portion of professional landscaping and create a visible obstruction of an immovable playset. In addition, meeting the 15 foot setback would result in an obstruction in front of the proposed garage door due to the existing well location. The applicant is aware of the possibility to connect to city water, but also understands that it may not be required. The applicant claims that the garage cannot be built on the north side of the home due to HOA rules and septic system components. The City does not enforce HOA rules and only requires accessory structure placement to be in the side or rear yard. City code would define the front yard to the west and side yard to the north. The City has documentation indicating that the referred to septic system is located on outlot E on the other side of Ivory Ave N allowing for buildable area to the north.*

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

***FINDINGS:***

*The applicant has not proven that unique circumstances that justify the need for a variance were not created by the property owners. While the existing well location may not have been determined by the current property owners, there is no clarification whether the property owners are responsible for the professional landscape placement or playset location. The applicant has the opportunity to connect to city water and abandon the well, which would allow the proposed garage to meet the 15 foot side yard setback. The property owner would be establishing a self-created hardship by deciding not to connect to city water.*

- 3) **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 proposed garage location would not alter the essential character of the surrounding area. The garage would be located in the rear yard. The structure would be screened from the neighboring homes to the northeast and southeast by existing trees. The other neighboring home to the southwest would be approximately 113 feet from the proposed garage.*

- 4) 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 proposed variance does not impair adjacent properties. The proposed addition will not face a public street and is screened from 2 out of 3 adjacent properties by existing vegetation. The building location would also be screened from Ivory Ave due to existing trees at the driveway entrance and the existing home location. Approval of the variance would not result in increased public street congestion or diminished property values.*

**CITY AGENCY REVIEW:**

This request was distributed to several city departments for review on April 8, 2022. The following departments provided comments on the variance request.

**City Engineer (Memo)**

1. The connection to city water will be available in October 2022, allowing abandonment of the private well that the applicant identified as a reason for needing a variance.
2. The 5-ft drainage and utility easement should be fully preserved to maintain a shared drainage way for abutting lots. Construction of a garage immediately along the easement has the effect of reducing the area available to accommodate drainage equally.

**Fire Department (email)**

Ensure the address numbers are plainly visible from the street fronting to property and shall be contrasting color from the background.

**City Attorney (email)**

The applicant will have to prove that there are practical difficulties for not constructing the garage north of the home in a compliant location.

**PUBLIC COMMENT:**

A hearing notice was sent to surrounding properties on June 1, 2022. A hearing notice was published in the local newspaper on June 3, 2022. Staff received 2 public comments via email from surrounding property owners in support of the proposed variance.

**FISCAL IMPACT:**

None

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. Building materials used must be aesthetically similar to the existing home.
2. All stormwater runoff from the proposed garage shall be contained on the applicant's property. Stormwater shall not be directed onto adjacent properties.
3. This variance approval is only for a reduced setback from the south property line.
4. If approved this variance shall expire if the work does not commence within 12 months of the date of granting the variance.

### **OPTIONS:**

The Planning Commission may:

- Recommend approval of the variance.
- Recommend approval of the variance with conditions.
- Recommend denial of the variance, citing recommended findings of fact for denial.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend denial of the request from Al Woolhouse on behalf of Brenda LeCuyer for a variance to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.

***“Move to recommend Denial of the request from Al Woolhouse on behalf of the property owner Brenda LeCuyer for a variance to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.”***

### **RECOMMENDED FINDINGS**

1. The applicant is Al Woolhouse on behalf of the property owner Brenda LeCuyer.
2. The applicant has provided a complete variance application in conformance with Section 105.12.320.
3. The applicant has not proven that strict enforcement the Lake Elmo City code would cause practical difficulties.
4. The applicant has not proven that the plight of the landowner is due to unique circumstances not created by the landowner.
5. The proposed variance would not alter the essential character of the surrounding neighborhood.
6. The proposed variance would not impair adjacent properties.

### **ATTACHMENTS:**

- 1) Land Use Application
- 2) Written Statements
- 3) Amended written statements
- 4) Location Map
- 5) Garage location pictures
- 6) Certificate of Survey
- 7) Proposed garage plans
- 8) Septic System Documentation
- 9) City Engineer Memo
- 10) Fire Department email
- 11) City Attorney email



**12) 2 Neighboring property owner emails**

## Ben Hetzel

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**From:** Steve Adamsky <steveadamsky@yahoo.com>  
**Sent:** Tuesday, June 7, 2022 1:06 PM  
**To:** Ben Hetzel  
**Subject:** Re: 1567 Ivory Ave N Variance Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Caution:** This email originated outside our organization; please use caution.

According to this plan, the trees in the SE corner of Lecuyer's lot are not being removed. If that is the final plan, we have no objections.

Steve Adamsky  
steveadamsky@yahoo.com

On Monday, June 6, 2022, 03:14:02 PM CDT, Ben Hetzel <bhetzel@lakeelmo.org> wrote:

Please see the attached certificate of survey showing the proposed garage location. The required property line setback is 15 ft. They are requesting to reduce the property line setback to 5 ft.

Ben Hetzel

City Planner

City of Lake Elmo

3800 Laverne Ave. N.

Lake Elmo, MN 55042

651-747-3911



## Ben Hetzel

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**From:** Ericka Funfsinn <ericka.funfsinn@gmail.com>  
**Sent:** Thursday, June 9, 2022 2:05 PM  
**To:** Ben Hetzel  
**Subject:** Comments on setback variance- LeCuyer

**Caution:** This email originated outside our organization; please use caution.

Dear Mr. Ben Hetzel,

This email is being written in regards to the setback variance that Brenda LeCuyer is seeking for her property at 1567 Ivory Ave. N. I am Brenda's neighbor and have been informed of her proposed plans for a detached garage on her property. In evaluating her property and her plans, the proposed location would provide the greatest curbside appeal and would allow for the most seamless incorporation into the existing structures on the property. I see no other reasonable location for the construction of this building and I have no reservations concerning her project or the impact it will have on the neighborhood. I fully support allowing the variance.

Sincerely,

Ericka Funfsinn  
1513 Ivory Ct.

## Ben Hetzel

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**From:** Jean and Rick Rolando <rolandofamily85@gmail.com>  
**Sent:** Monday, June 6, 2022 4:10 PM  
**To:** Ben Hetzel  
**Subject:** Public Hearing for LeCuyer detached garage

**Caution:** This email originated outside our organization; please use caution.

Ben,

We are not able to attend the public hearing on June 13th regarding the side yard set back variance for the detached garage at the LeCuyer residence on Ivory Avenue.

We 100% support the variance request and support the request of the LeCuyers to build a detached garage at their desired location.

Sincerely,

Rick and Jean Rolando  
1583 Ivory Ave N.

Sent from [Mail](#) for Windows





**City of Lake Elmo Planning Commission  
Meeting  
City Council Chambers – 3800 Laverne  
Avenue North  
Minutes of Regular Meeting of June  
13, 2022**

**CALL TO ORDER:** Commission Chair Risner called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Risner, Steil, Graen, Rehkamp, Vrieze

**COMMISSIONERS ABSENT:** Mueller

**STAFF PRESENT:** Planning Director Just, City Planner Ben Hetzel

**Approve Agenda:**

M/S/P: Risner / Steil made a motion to approve the agenda with amendments. **Vote: 5-0, motion carried unanimously.**

**Approve Minutes:**

M/S/P: Steil / Rehkamp made a motion to approve the 5-9-22, 5-23-22. **Vote: 5-0, motion carried unanimously.**

**Public Hearings:**

a. VARIANCE- 1567 Ivory Avenue N side yard setback for an accessory structure.

Al Woolhouse (Applicant) on behalf of Brenda LeCuyer (Property Owner) recently submitted an application for a side yard setback variance for the property located at 1567 Ivory Avenue N located in the subdivision of Parkview Estates Open Space PUD– Parcel 28.029.21.13.0015 (Subject Property). The property owner is proposing to construct a detached garage to the southeast of the existing home and southwest of an existing in-ground pool and patio. To do this, the applicants are requesting to encroach within the 15 foot side yard setback as required by the Open Space PUD zoning district. The proposed garage would be placed at the end of an existing driveway and abut a 5-foot drainage and utility easement located along the south property line. The applicant is requesting the maximum relief from the setback while not placing the structure within the drainage and utility easement.

City Planner Hetzel Just gave presentation and answered questions on the proposed variance.

In advance of the public hearing staff received 4 public comments from neighbors, three in support and one against the proposed variance.

Staff recommends that the Planning Commission recommend denial of the request from Al Woolhouse on behalf of Brenda LeCuyer for a variance to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.

Applicant Al LeCuyer and Brenda LeCuyer (1567 Ivory Avenue North) spoke regarding the need for this variance. And answered questions.

Public hearing opened at 7:21 PM.

No comments from the public.

Public hearing closed at 7:22 PM.

**FINDINGS OF FACT:** The applicant states that meeting the required setback near the desired building location would involve the removal and replacement of a portion of professional landscaping and create a visible obstruction of an immovable playset. In addition, meeting the 15 foot setback would result in an obstruction in front of the proposed garage door due to the existing well location. The applicant is aware of the possibility to connect to city water, but also understands that it may not be required. The applicant claims that the garage cannot be built on the north side of the home due to HOA rules and septic system components. The City does not enforce HOA rules and only requires accessory structure placement to be in the side or rear yard. City code would define the front yard to the west and side yard to the north. The City has documentation indicating that the referred to septic system is located on outlot E on the other side of Ivory Ave N allowing for buildable area to the north.

The applicant has not proven that unique circumstances that justify the need for a variance were not created by the property owners. While the existing well location may not have been determined by the current property owners, there is no clarification whether the property owners are responsible for the professional landscape placement or playset location. The applicant has the opportunity to connect to city water and abandon the well, which would allow the proposed garage to meet the 15 foot side yard setback. The property owner would be establishing a self-created hardship by deciding not to connect to city water.

The proposed garage location would not alter the essential character of the surrounding area. The garage would be located in the rear yard. The structure would be screened from the neighboring homes to the northeast and southeast by existing trees. The other neighboring home to the southwest would be approximately 113 feet from the proposed garage.

The proposed variance does not impair adjacent properties. The proposed addition will not face a public street and is screened from 2 out of 3 adjacent properties by existing vegetation. The building location would also be screened from Ivory Ave due to existing trees at the driveway entrance and the existing home location. Approval of the variance would not result in increased public street congestion or diminished property values.

M/S/P: Graen/Vrieze moved to recommend approval of the request from Al Woolhouse on behalf of the property owner Brenda LeCuyer for a variance to reduce the side yard setbacks to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue North with the recommended conditions. **Vote: 3-2** (Steil & Rehkamp – Nay) **Motion carried** (Risner, Graen, & Vrieze are in support of the location of the garage and this variance. Steil feels this should not be approved as it doesn't fit city guidelines. Rehkamp does not believe they meet the qualifications of the variance. Mueller was absent.)

b. **ZONING TEXT AMENDMENT-** Animal Inn Training LLC is requesting an amendment to Table 12-1 of Section 105.12.920 to allow Commercial Kennel as a conditional use in the Limited Commercial zoning district.

Katie and Corwin Cheng, owners of Animal Inn Training LLC, recently submitted an application for a Zoning Text Amendment to amend Table 12-1 of LEC 105.12.920. Animal Inn Training is an existing legal non-conforming commercial kennel that offers pet boarding, training, and grooming services. The current zoning of the property is Limited Commercial, which does not allow for Commercial Kennels as a permitted use or conditional use. Nonconforming uses may be continued through repair, replacement, restoration, maintenance, or improvement. However, continuation of a nonconforming use does not include expansion. The applicants wish to expand in the future. In order to expand, the applicant must receive approval of a Zoning Text Amendment and a conditional use permit (CUP) amendment.

City Planner Hetzel Just gave presentation and answered questions on the proposed text amendment.



Applicant Katie Cheng, 8611 34<sup>th</sup> St N, spoke regarding the reason for the text amendment change request.

Public hearing opened at 7:45 PM.

No comments from the public.

Public hearing closed at 7:45 PM.

**FINDINGS OF FACT:** The proposed amendment would only affect the Animal Inn property, the Prairie Ridge Office Park directly east, and the surrounding properties. The 2040 Comprehensive Plan has Animal Inn and the Prairie Ridge Office Park guided for Limited Business (LB) according to the Future Land Use Map. Once again, these are the only properties designated for the LB district. The land directly to the west is guided for Business Park (BP), which has similar allowed uses and serves a similar purpose. There would be minimal impact on the other surrounding properties as the land to the north and south is guided for residential development, but separated by Stillwater Boulevard and railroad property.

The proposed amendment would not impact the subdivision code.

The amendment does meet the purpose of the Limited Commercial district by offering a basic convenience type service to the neighborhoods in the area that are not planned for public sanitary sewer services. In addition, there are uses that provide similar uses allowed in the Limited Commercial district. For example, a day care center is allowed as a conditional use and Veterinary Services is listed as a permitted use as per Table 12-1. By allowing commercial kennels as a conditional use, any new or expansions of commercial kennels would have to be reviewed by city staff and be in conformance with the Lake Elmo Design Guidelines and Standards Manual as stated by LEC 105.12.960. Meeting these design guidelines and standards follow the intent of the Limited Commercial district.

M/S/P: Steil/Graen moved to recommend approval of a of the request from Animal Inn Training LLC to amend Table 12-1 of LEC 105.12.920 to allow a Commercial Kennel as a Conditional Use in the Limited Commercial district. **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

c. **ZONING TEXT AMENDMENT-** City initiated amendment to add a minimum 40 foot setback for buildings along 5<sup>th</sup> Street North, Hudson Boulevard, Inwood Avenue, Keats Avenue, Lake Elmo Avenue, and Manning Avenue. Amended sections to include Section 105.12.930; Section 105.12.720; Section 105.12.880.

The City Council has directed the Planning Department to pursue amendments to the Medium Density Residential (MDR) and High Density Residential (HDR) zoning districts. As development has been proposed and occurred along the new 5<sup>th</sup> Street in the South Planning Area, some buildings have been located closer to the public way than others. With the varying land use densities and intensities planned for 5<sup>th</sup> Street this is an opportunity to guide building placement along this new local street.

Director Just gave presentation and answered questions on the proposed zoning text amendments.

Public hearing opened at 8:17 PM.

No comments from the public.

Public hearing closed at 8:17 PM.

M/S/P: Risner/Steil moved to recommend adoption of the zoning text amendments to incorporate an increased building set back from the named streets in Section 105.12.720 Urban Residential Districts of Lot Dimensions and Buildings and Bulk Requirements. **Vote: 4-1** (Graen – Nay) **Motion carried.** (Graen thinks that it is the private

property owner's rights to develop their land with the current setbacks. Risner, Steil, Rehkamp, Vrieze were all in favor. Mueller was absent)

M/S/P: Steil/Risner moved to recommend adoption of the zoning text amendments to incorporate an increased building setback for residential uses from the named streets in Section 105.12.930 Commercial Districts of Lot Dimensions and Buildings and Bulk Requirements. **Vote: 4-1** (Graen – Nay) **Motion carried.** (Graen thinks that it is the private property owner's rights to develop their land with the current setbacks. Risner, Steil, Rehkamp, Vrieze were all in favor. Mueller was absent)

M/S/P: Vrieze/Rehkamp moved to recommend adoption of the zoning text amendments to incorporate an increased building set back from the named streets in Section 105.12.880 Mixed-Use Commercial and Mixed-Use Business Park Districts of Lot Dimensions and Buildings and Bulk Requirements. **Vote: 4-1** (Graen– Nay) **Motion carried.** (Graen thinks that it is the private property owner's rights to develop their land with the current setbacks. Risner, Steil, Rehkamp, were all in favor. Mueller was absent)

d. ZONING TEXT AMENDMENT- City initiated text amendment to require a minimum mix of uses in the Mixed-Use Commercial and Mixed-Use Business Park Districts. Amended sections to include Section 105.12.850; Section 105.12.860; Section 105.12.870.

The City Council has directed the Planning Department to pursue amendments to the Mixed Use Commercial (MU-C) and Mixed Use Business Park (MU-BP) zoning districts. The purpose of the MU-C district is to promote mixed use development that supports a mix of retail, commercial and residential uses that benefit from their proximity to each other. Similarly, MU-BP promotes development in the city that will have a mix of general business, business park and residential uses which allows for better integration of uses and more flexibility to respond to market demands.

Director Just gave presentation and answered questions on the proposed zoning text amendments.

Public hearing opened at 8:34 PM.

No comments from the public.

Public hearing closed at 8:34 PM.

M/S/P: Rehkamp/Steil moved to recommend adoption of the zoning test amendments to require a minimum mix of uses in the Mixed Use Commercial and Mixed Use Business Park zoning districts. **Vote: 2-3** (Graen & Risner, Vrieze – Nay) **Motion failed** (Graen doesn't think there is a need for this as there is no demand for Mixed use, he doesn't think that the city should be legislating that there needs to be, as this would affect the existing owners and could force an in-cohesive mixed uses development. Vrieze agreed with Graen. Risner was not in favor of forcing a Mixed Use. Rehkamp and Steil agree that this will provide a variety of options to a developer. Mueller was absent)

e. ZONING TEXT AMENDMENT- City initiated text amendment to Article XIII Village Mixed-Use District. Incorporate Village Medium Density Residential (V-MDR) and Village High Density Residential (V-HDR) into City Code. Amended sections to include Section 105.12.770; Section 105.12.780; Section 105.12.790; Section 105.12.820

The City of Lake Elmo Planning Department has initiated a zoning text amendment of Article XIII Village Mixed Use District to incorporate the Village Medium Density Residential (V-MDR) and Village High Density Residential (V-HDR) zoning districts into the City Code. The incorporation of these districts is in implementation of the 2040 Comprehensive Plan. The 2040 Comprehensive Plan recommends creation of strong and vibrant districts in the Village Planning Area so that it becomes a destination for all residents of the community.



Director Just gave presentation and answered questions on the proposed zoning text amendments.

Public hearing opened at 9:01 PM.

No comments from the public.

Public hearing closed at 9:01 PM.

M/S/P: Rehkamp/Graen move to recommend approval of the proposed text amendments to Article XIII Village Mixed Use District to incorporate the V-MDR and V-HDR zoning districts into the City Code. **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

#### **New/Unfinished Business:**

- a. PRELIMINARY PLAT & PLANNED UNIT DEVELOPMENT, ZONING MAP AMENDMENT, CONDITIONAL USE PERMIT - 9450 Hudson Boulevard.

Dominik Jenson, representing SRD 2.0, LLC, is requesting approval of a zoning map amendment (rezoning), preliminary planned unit development (PUD) and preliminary plat for the property located on the north side of Hudson Boulevard, west of Julia Avenue (9450 Hudson Boulevard). The plat depicts two parcels and the PUD depicts a 190-unit apartment building on one parcel and a daycare center, known as the Goddard School, on the other parcel.

Brad Coats of the Goldridge Companies is requesting approval of a conditional use permit for the daycare center on the rezoned property. Daycare centers are allowed by conditional use permit in the Mixed-Use Commercial District. The daycare center would be licensed by the Washington County for up to 188 children and would be limited to providing daycare and preschool between the hours of 6:30 am and 6:30 pm Monday through Friday.

Director Just gave presentation and answered questions.

#### **FINDINGS OF FACT FOR REZONING:**

That the proposed rezoning will be consistent with the land use designation of the site which is MU-C (mixed use commercial) as depicted in the 2040 Comprehensive Plan.

M/S/P: Rehkamp/Graen Move to recommend approval of the rezoning of the site of the proposed multifamily building and daycare center at 9450 Hudson Boulevard from RT (rural transitional) to MU-C (mixed use commercial) based on the findings listed in the staff report. **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

#### **FINDINGS FOR CONDITIONAL USE PERMIT:**

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city.
2. The use or development conforms to the city comprehensive plan.
3. The use or development is compatible with the existing neighborhood.
4. The proposed use meets all specific development standards.
5. If the proposed use is in a floodplain management or shore land area, the proposed use meets all the standards.

6. The proposed use will be designed, constructed, operated, and maintained so it will not change the essential character of that area.
7. The proposed use will not be hazardous or create a nuisance to existing or future neighboring structures.
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
10. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.
11. Vehicular approaches to the property will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic features of major importance.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The daycare center shall remain licensed at all times and for no more than 188 children
2. The daycare center and preschool hours of operation shall occur between 6:30 am and 6:30 pm Monday through Friday.
3. Prior to opening the daycare center and preschool the applicant shall provide evidence of licensure.
4. No City permits for work related to the daycare center/preschool shall be issued until the public improvements for the approved plat and PUD have been found complete and are accepted by the City.

M/S/P: Steil/Vrieze move to recommend approval of the Conditional Use Permit for the proposed Goddard School daycare center for 188 children at 9450 Hudson Boulevard based on the findings and conditions listed in the staff report. This approval will be subject to the City approving the proposed zoning map amendment from RT (rural transitional) to MU-C (mixed use commercial). **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

FINDINGS FOR PRELIMINARY PLAT/PRELIMINARY PUD:

1. That the preliminary PUD Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the preliminary PUD Plan complies with the general intent of the Mixed Use Commercial zoning district with PUD modifications.
3. That the preliminary PUD Plan generally complies with the City's Zoning Code except for parking setbacks from a residential zone, parking placement for the daycare center, and the maximum allowed density.



4. That the preliminary PUD Plan generally complies with the Lake Elmo Design Guidelines and Standards Manual.
5. That the preliminary plat generally complies with the City's Subdivision regulations.
6. That the preliminary plat generally complies with the City's design standards.
7. That the preliminary plat generally complies with the City's Zoning Code.
8. That the preliminary PUD Plan must be revised to be consistent with the City's engineering standards and as noted in the City Engineer's memorandum.
9. That the preliminary PUD Plan must be revised to be consistent with the City's landscape plan and tree replacement standards pursuant to the Landscape Architects memo.
10. That the preliminary PUD Plan must be revised to be consistent with the City's fire department memo.
11. That the preliminary PUD Plan meets the minimum requirements for a PUD including minimum lot area, open space and street layout.
12. That the preliminary PUD Plan meets one or more of the required PUD objectives identified in Article 18 including providing:
  - a. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
  - b. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
  - c. Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection and other public facilities than would otherwise be provided under conventional land development techniques.
  - d. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
  - e. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
  - f. Preservation of historic buildings, structures or landscape features.
  - g. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
  - h. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
  - i. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
  - j. Higher standards of site and building design than would otherwise be provided under conventional land development technique.

13. That the preliminary PUD Plan includes amenities that may be worthy of amenity points to increase the overall housing density in the development from a max of 15 units per acre to 15.57 units per acre. The qualifying amenity is the provision of underground parking to reduce the amount of impervious surface. Per code requirements, the proposed underground parking reduces the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25 percent. For every additional five percent of surface parking stalls reduced above 25 percent the applicant may be awarded one additional amenity point, up to a max of 10 amenity points or a 10% increase in density. See Article 18, Table 16-2.

RECOMMENDED CONDITIONS OF APPROVAL:

1. That the City approves a Zoning Map Amendment to rezone the site from rural area development (RAD) to MU-C (mixed use commercial).
2. That the future final plat and final PUD plans would be for the parcel with the PID 34.029.21.34.0012.
3. That the application for final plat and final PUD Plans identify all requests for flexibility from the City Code.
4. That prior to the City finding any application for final plat and PUD plan complete, before approval of the subject Conditional Use permit, and before approval of the subject rezoning, the developers of the subject property and the subject buildings and prospective owners of each parcel shall submit in writing an agreement outlining responsibility for construction of on and off-site improvements and a formal recognition of the implications of delays or default by either party.
5. That the final plat and PUD plan depict a shared parking and access easement across the plat and that prior to release of the final plat the applicant shall provide to the City a recorded shared parking, access and maintenance agreement for all parcels on the plat.
6. That prior to the City finding any application for final plat and PUD plan complete the applicant shall address all comments in the City Engineer's memo dated June 8, 2022 to the satisfaction of the City Engineer.
7. That prior to the City finding any application for final plat and PUD plan complete the applicant shall resubmit the storm water management plan and it shall be found complete to the satisfaction of the City Engineer.
8. That prior to the City finding any application for final plat and PUD plan complete the applicant shall revise the landscape plan to meet Article VIII Environmental Performance Standards in accordance with the City Landscape Architect's memo dated June 9, 2022 to the satisfaction of the City Landscape Architect.
9. That prior to the City finding any application for final plat and PUD plan complete the applicant shall resolve the following to the satisfaction of the Fire Chief.
  - A. From their April 28, 2022 memo - All roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses. The turning radius plan overlay has been provided. Following review of the submitted turning radius overlay, several areas exist where the turning radius overlay extends past the curb line and shall be addressed.
    - i. Comments to my concerns about the turning radius overlay extending past the curb line have not been addressed or discussed. Additional information shall be provided to the fire department regarding curb type and drivability in these areas.
  - B. Final approval of fire hydrant locations shall be made in coordination with engineering and public works.



- C. Currently the water supply is proposed as a combined fire/domestic water main. Additional information and discussion shall be provided regarding the combined services prior to any system approvals. The fire department prefers the domestic water supply and the fire suppression water supply be two separate mains. I recommend that the fire department meet with the developer and the fire suppression engineer to review.
10. That prior to the City finding any application for final plat and PUD plan complete the applicant shall demonstrate that the plans reflect compliance with South Washington Watershed District (SWWD) preliminary review comments and that the applicant provide the City evidence that all conditions attached to a SWWD permit will be met before the starting any grading activity on the site.
  11. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), NPDES/SWPPP permits and South Washington Watershed District approval before starting any grading or construction activities.
  12. The applicant/developer is responsible, at their own expense, for installing all required improvements in and adjacent to Julia Avenue and Hudson Boulevard.
  13. The Final Plat/Final PUD shall include all necessary and additional public right-of-way and easements for Hudson Boulevard and Julia Avenue.
  14. All storm water facilities internal to the site shall be privately owned and maintained. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
  15. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
  16. That the PUD overlay zoning allow for the following:
    - A. A 20 foot parking setback from a residential zone (on the northern property line);
    - B. Parking located between the daycare building and the street (Julia Avenue);
    - C. Residential density at 15.57 units per acre.
    - D. The maximum building height shall be 50 feet.
  17. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat or final PUD application.
  18. Prior to finding an application for final plat and PUD plan complete that the applicant or developer shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of the City Code.
  19. Before the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
  20. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible

for the design, construction and payment for the required improvements with financial guarantees therefore. The Agreement shall outline any approved phasing plan.

21. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat of PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document extent of any proposed grading on the site.
22. That the City does not allow any parking or construction staging, including the loading and unloading of materials and equipment at any time on Hudson Boulevard or Julia Avenue during the construction of the site improvements and building.
23. That the applicant shall submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans and other materials shall meet all of the above conditions before the City will find complete any final plat or final PUD application for the development and before the start of any clearing or grading activity on the site.
24. That the City's preliminary plat/preliminary PUD approval is good for one year from the date of City Council action, unless the applicant requests and the City Council approves a time extension.

M/S/P: Vrieze/Steil Move to recommend approval of the preliminary PUD plan and preliminary plat as requested by Dominek Jensen (of SRD2.0 LLC) for PID:34.029.21.34.0012 for a plat with two parcels and to include two buildings at 9450 Hudson Boulevard based on the findings of fact and 24 recommend conditions of approval listed in the staff report. **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

#### **Communications/Updates**

June 7, 2022 City Council Approved:

- a. CONDITIONAL USE PERMIT FOR A POOL AND FITNESS CENTER - 11441 20<sup>th</sup> St. N
- b. COMPREHENSIVE PLAN AMENDMENTS – Addition to the MUSA and change in land use designation for Approximately 110 acres of City property at the northeast corner of 34<sup>th</sup> Street and Ideal Avenue. (*both the MUSA expansion and land use changes*)
- c. ZONING AMENDMENTS - Zoning Code, §400 Fencing Regulations (*with amendments for clarity*). Building Regulations Code, §160 Swimming Pools (*as-is*). General Provisions, §040 Required Screening (*as-is*).
- d. Kyle and Morgan Traynor, 4622 Lilac Lane N – Variance.

#### **Upcoming Meetings**

- a. June 23<sup>rd</sup>, 2022
- b. July 11<sup>th</sup>, 2022

Meeting adjourned at 9:30 PM.

Respectfully submitted,

Diane Wendt  
Permit Technician



**From:** [Brenda LeCuyer](#)  
**To:** [Ben Hetzel](#)  
**Cc:** [Al Woolhouse](#)  
**Subject:** Re: Unanswered variance application questions  
**Date:** Wednesday, June 8, 2022 5:58:46 PM

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**Caution:** This email originated outside our organization; please use caution.

Hi Ben,

Thanks for clarification. I'm really hoping this is helpful and provides enough clarity to get approved. We have been trying to do this project for over a year and would love to move it forward.

The following items are unique to the property and not created by the current owners: well, driveway placement (installed in a 5 ft variance from lot line), landscaping, numerous mature trees on the lot that provide privacy for the home as well as neighbors, and ParkView Estates bylaws. Together they are creating a need for a variance and make the current space not buildable for a detached garage. According to our homeowners association Section 8, all homes designs shall de-emphasize the garage structure by side loading or angling, breaking the garage into separate bays, using rooms or dormers per the garage or pulling the garage into the rear of the home. In addition, properties need to improve the continuity and homogeneity of the neighborhood. It also states that reasonable variances are granted if it is not detrimental to other lots or members. We have spoken with and received support from all affected neighbors, most of which have already emailed their support to Ben Hetzel, the City Planner. The water well location is original to property. With our well location coupled with our desire to build as soon as possible (we have had a signed contract with a builder for over a year to get on their schedule) we are requesting the variance in order to build prior to city water project, a project which homeowners are not yet required to make a decision on. The Minnesota Department of Health records show that we are of the minority of homes in the development that has not been affected by contamination due to our well location depth and we have not been recommended to add filters while always testing in normal data ranges.

I had another quick question as I was speaking to the contractor on the variance fee of \$2250. Is this non-refundable so we have to pay this amount even if it's denied? How does the fee \$1000 escrow fee work in addition to the \$1250? It wasn't clear so I wanted to understand this better if possible.

Best,  
Brenda

On Jun 8, 2022, at 11:56 AM, Ben Hetzel <[BHetzel@lakeelmo.org](mailto:BHetzel@lakeelmo.org)> wrote:

<image001.png>

The question above was not really answered in the variance application. Without a reasonable answer I would have to recommend denial, but it could still be

recommended for approved by the Planning Commission.

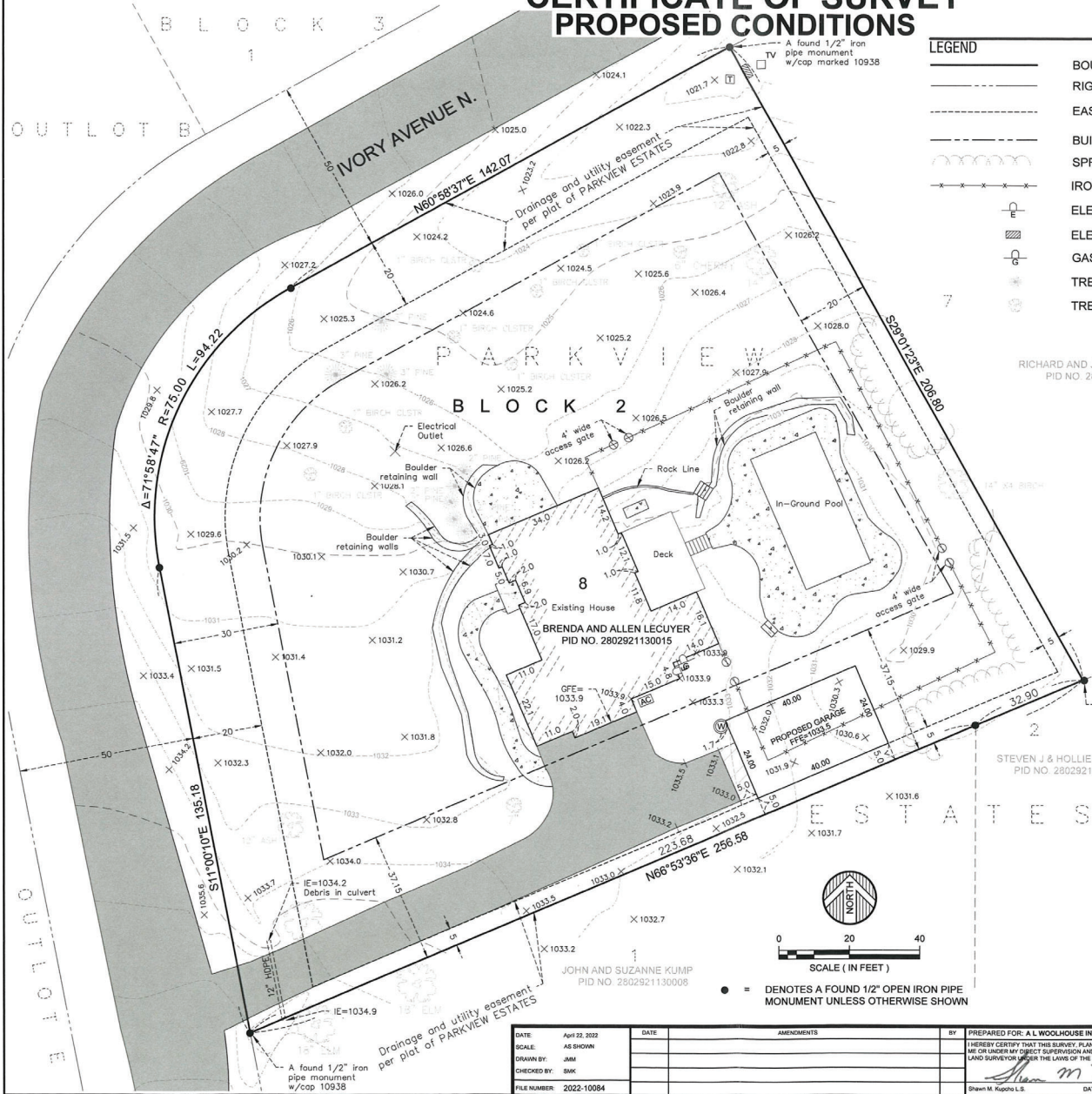
Basically, you will have to explain how the circumstances that you have explained for needing a variance were not created by you. You cannot use a self created hardship. For example, if you placed the playset in its current location, then it's a self created hardship. If you had the landscape placed where it is, then it's a self-created hardship. The argument could be made that by not hooking up to city water could be a self created hardship as well. Please provide me an answer to this question by 9 am tomorrow morning.

Thank you! I am just trying to check off all the bases here.

Ben Hetzel  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042  
651-747-3911



# CERTIFICATE OF SURVEY PROPOSED CONDITIONS



## LEGEND

	BOUNDARY LINE		TELE PEDESTAL
	RIGHT OF WAY LINE		TV PEDESTAL
	EASEMENT LINE		WATER WELL
	BUILDING SETBACK LINE		FENCE POST
	SPRUCE EDGE		AC UNIT
	IRON FENCE		BUILDING WALL HATCH
	ELEC METER		BITUMINOUS SURFACE
	ELEC TRANSFORMER BOX		CONCRETE SURFACE
	GAS METER		PROPOSED DRIVEWAY SURFACE
	TREE CONIFER		
	TREE DECIDUOUS		

RICHARD AND JEAN ROLANDO  
PID NO. 2802921130014

## PROPERTY DESCRIPTION:

(Quit Claim Deed Doc. No. 4348275)  
Lot 8, Block 2, PARKVIEW ESTATES, Washington County, Minnesota.

## IMPERVIOUS CALCULATIONS:

Area of Property	: 43,559 Sq. Ft.
House	: 2,556 Sq. Ft.
Bituminous Surface	: 2,897 Sq. Ft.
Concrete Surface	: 2,000 Sq. Ft.
Proposed Garage	: 960 Sq. Ft.
Proposed Driveway	: 80 Sq. Ft.
<b>Total Impervious</b>	<b>: 8,493 Sq. Ft.</b>
<b>Percent Impervious</b>	<b>: 19.5%</b>

RECEIVED  
MAY 12 2022  
CITY OF LAKE ELMO

STEVEN J & HOLLIE ADAMS  
PID NO. 2802921130009

## SURVEY NOTES:

- The orientation of this bearing system is based on the southerly line of Lot 8, bearing N66°53'36"E.
  - The address of the subject property is 1567 Ivory Ave. N, Lake Elmo, MN 55042. PID No. 2802921130015.
  - Local Benchmark - MNDOT Geodetic Monument - JESSICA - Elev=917.150 NAVD88 Site Benchmark - Top of Well Head Elevation=1034.93 NAVD88
  - The area of the subject property is 43,559 Sq. Ft. or 1.00 Acre.
  - The property is zoned OP - Openspace PUD
    - Building setbacks
      - Front : 30 Feet
      - Rear : 20 Feet
      - Side : 37.15 Feet
- The interior side setback is 15 feet or 10% of the width of the front yard line whichever is greater. The length of the Right-of-Way is 371.47 feet X .10 = 37.147 ft.  
(Per Sophia Jensen - Code Enforcement Official (651) 747-3911)

6. The field work was performed on January 20, 2022.

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DATE: April 20, 2022	DATE:	AMENDMENTS:	BY:	PREPARED FOR: A L WOOLHOUSE INC.
SCALE: AS SHOWN				
DRAWN BY: JMM				
CHECKED BY: SMK				
FILE NUMBER: 2022-10084				

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Steven M. Widseth*  
Steven M. Widseth, L.S. DATE: 4/20/22 LIC. NO.: 49021

**WIDSETH**  
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

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

**RESOLUTION NO. 2022-077**

***A RESOLUTION DENYING THE REQUEST FROM AL WOOLHOUSE ON BEHALF OF  
BRENDA LECUYER FOR A VARIANCE TO REDUCE THE SIDE YARD SETBACK TO 5  
FEET WHERE A MINIMUM OF 15 FEET IS REQUIRED AT 1567 IVORY AVENUE N.***

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

**WHEREAS**, Al Woolhouse (the “Applicant”) on behalf of Brenda LeCuyer, owners of the property located at 1567 Ivory Ave N – Parcel 28.029.21.13.0015, Lake Elmo, MN 55042 (the “Property”) have submitted an application to the City of Lake Elmo (the “City”) for a variance request to reduce the side yard setback to 5 feet where a minimum of 15 feet is required; and

**WHEREAS**, notice 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 13, 2022; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated July 19, 2022; and

**WHEREAS**, the City Council considered said matter at its July 19, 2022 meeting and directed City staff to draft a resolution denying the variance for its consideration; and

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

**FINDINGS**

- 1) That the procedures for obtaining a variance are found in Section 105.12.320 of the Lake Elmo Zoning Code.
- 2) That all submission requirements of Section 105.12.320 and 105.12.1260 of the Lake Elmo Zoning Code have been met by the Applicant.
- 3) That the proposed variance includes the following components:



- a) The applicants propose to construct a 24-foot by 40-foot detached garage within the required 15-foot side yard setback.
  - b) The required side yard setback for Open Space PUD Zoning is 15-feet or ten percent of the lot area as per Section 105.12.1050(6)b.1.v.
  - c) The proposed garage would be placed at the end of an existing driveway and abut a 5-foot drainage and utility easement located along the south property line.
- 4) **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:

*The applicant states that meeting the required setback near the desired building location would involve the removal and replacement of a portion of professional landscaping and create a visible obstruction of an immovable playset. In addition, meeting the 15 foot setback would result in an obstruction in front of the proposed garage door due to the existing well location. The applicant is aware of the possibility to connect to city water, but also understands that it would not be required. The applicant claims that the garage cannot be built on the north side of the home due to HOA rules and septic system components. The City does not enforce HOA rules and only requires accessory structure placement to be in the side or rear yard. City code would define the front yard to the west and side yard to the north. The City has documentation indicating that the referred to septic system is located on Outlot E on the other side of Ivory Ave N allowing for buildable area to the north.*

- 5) **Unique Circumstances** the plight of the landowner is due to circumstances not created by the landowner:

*The applicant has not proven that unique circumstances that justify the need for a variance were not created by the property owners. While the existing well location may not have been determined by the current property owners, there is no clarification whether the property owners are responsible for the professional landscape placement or playset location. The applicant has the opportunity to connect to city water and abandon the well, which would allow the proposed garage to meet the 15 foot side yard setback. The property owner would be establishing a self-created hardship by deciding not to connect to city water.*

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

*The proposed garage location would not alter the essential character of the surrounding area. The garage would be located in the rear yard. The structure would be screened from the neighboring homes to the northeast and southeast by existing trees. The other neighboring home to the southwest would be approximately 113 feet from the proposed garage.*

- 7) **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:

*The proposed variance does not impair adjacent properties. The proposed addition will not face a public street and is screened from 2 out of 3 adjacent properties by existing vegetation. The building location would also be screened from Ivory Ave due to existing trees at the driveway entrance and the existing home location. Approval of the variance would not result in increased public street congestion or diminished property values.*

### **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 request from Al Woolhouse on behalf of Brenda LeCuyer for a variance request to reduce the side yard setback to 5 feet where a minimum of 15 feet is required. A summary of findings of fact for denial are below.

1. The applicant has not proven that strict enforcement of the Lake Elmo City Code would cause practical difficulties.
2. The applicant has not proven that the plight of the landowner is due to unique circumstances not created by the landowner.

Passed and duly adopted this 19<sup>th</sup> day of July, 2022 by the City Council of the City of Lake Elmo, Minnesota.

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Mayor Charles Cadenhead

ATTEST:

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Julie Johnson, City Clerk