

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

RESOLUTION NO. 2013-66

A RESOLUTION APPROVING A VARIANCE TO ALLOW THE INSTALLATION OF HOLDING TANKS AT 4719 OLSON LAKE TRAIL NORTH TO BE USED FOR A TIME PERIOD LONGER THAN 12 MONTHS, BUT NOT TO EXCEED 5 YEARS.

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

WHEREAS, Mrs. Mary Florence Brink and Mr. Thomas Brink, 1941 Millbank Street Southeast, Grand Rapids, Michigan, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a variance to allow for the use of a septic holding tank system for a period longer than 12 months; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on said matter on August 26, 2013; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated September 3, 2013; and

WHEREAS, the City Council considered said matter at its September 3, 2013 meeting.

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

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance is to allow for the installation of a septic holding tank system to be used for a time period longer than 12 months, but not to exceed 5 years.
- 4) That the Variance will be located on property legally described as follows: Government Lot 2, Section 8, Township 29 North, Range 21 West, Washington County, Minnesota. More commonly known as 4719 Olson Lake Trail North.

- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. ***Specific findings: That the proposed use is reasonable because the property owner intends to connect to Municipal Sanitary Sewer when Phase II of the Olson Lake Trail Sewer Project is executed. Installing a new compliant septic system before connecting to sanitary sewer represents an undue financial burden.***
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: That the applicant's property is guided for Municipal Sanitary Sewer in the City's Comprehensive Plan and located in the Phase II area of the Olson Lake Trail Sewer Project.***
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific findings: The temporary use of a septic holding tank system will not alter the essential character of the locality.***
- 8) That the proposed variance will not impair an adequate supply of light and air to property 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. ***Specific findings: The allowance of a septic holding tank system will not impair the supply of light and air to adjacent properties, or increase the congestion of public streets, or diminish or impair property values within the neighborhood.***

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Variance is granted, provided the following conditions are met:

1. The applicant shall enter into an Agreement with the City related to the future sewer connection that will be provided to the property at 4719 Olson Lake Trail North.
2. The applicant should be required to submit copies of all septic tank pumping records to the City on a quarterly basis.

Passed and duly adopted this 3rd day of September, 2013 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Adam Bell, City Clerk