

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

RESOLUTION NO. 2013-67

A RESOLUTION APPROVING A VARIANCE TO ALLOW THE CONSTRUCTION OF A GROUND SIGN AT 3712 LAYTON AVENUE NORTH THAT EXCEEDS THE MAXIMUM HEIGHT BY THREE FEET AND MAXIMUM AREA BY APPROXIMATELY 18 SQUARE FEET ALLOWED UNDER THE CITY'S SIGNAGE REGULATIONS

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

WHEREAS, Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, Minnesota, (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Variance to allow for the construction of a ground sign that exceeds the maximum height and area permitted under the City's Sign Ordinance; 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 construction of a ground sign at 3712 Layton Avenue North that exceeds the maximum height by 3 feet and maximum area by approximately 18 square feet allowed under the City's Sign Ordinance.
- 4) That the Variance will be located on property legally described as follows:

LOTS 11-12-13-14 & 15 BLOCK 2 BUSCH'S 1ST TO CLOVERDALE ELMO LAKE ELMO CITY SUBDIVISIONNAME BUSCH'S 1ST ADD TO CLOVERDALE ELMO LOT 11 BLOCK 2 SUBDIVISIONCD 37105. More commonly known as 3712 Layton Avenue 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 due to the accumulation of large snow banks along TH-5 during the winter that reduce the visibility of the proposed signage.***
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: That the grade of the ditch along TH-5 adjacent to the applicant's property does not allow for adequate snow storage, causing the accumulation of large snow banks and reduced visibility.***
- 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 construction of the proposed ground sign 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 the proposed ground sign 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 Applicant's application for a Variance is granted.

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