

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

RESOLUTION NO. 2013-082

*A RESOLUTION DENYING A VARIANCE AT 09.029.21.22.0025 (HILL TRAIL NORTH)
TO ALLOW THE CONSTRUCTION OF A SINGLE FAMILY HOME ON A LOT NOT
CONSIDERED A BUILDABLE LOT OF RECORD PER THE LAKE ELMO ZONING
ORDINANCE AND TO ALLOW FOR THE INSTALLATION OF A SUBSURFACE
SEWAGE TREATMENT SYSTEM ON A LOT THAT DOES NOT HAVE THE REQUIRED
AMOUNT OF AREA THAT IS SUITABLE FOR A SEPTIC SYSTEM PER THE LAKE
ELMO ZONING ORDINANCE.*

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

WHEREAS, Mr. Dean Dworak and Mrs. Gayle Dworak, 12325 Upper Heather Avenue North, Hugo, 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 single family home on a lot that is not considered a buildable lot of record; and to allow for a subsurface sewage treatment system on a lot that does not have the required amount of

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, September 9, 2013, and September 23, 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 October 1, 2013; and

WHEREAS, the City Council considered said matter at its October 1, 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:

- a) The construction of a single family home on a lot not considered a buildable lot of record per the Lake Elmo Zoning Ordinance; and
 - b) The installation of a subsurface sewage treatment system on a lot that does not contain the necessary area suitable for a septic system as required by the Lake Elmo Zoning Ordinance.
- 4) That the Variance will be located on property legally described as follows:
Lots 505 Thru 510 and Lots 629 Thru 634, Part of Vacated Beach, Lane's DeMontreville Country Club, Section 9, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota.
- 5) That the plight of the landowner is **not** due to circumstances unique to the property not created by the landowner. ***Specific findings: That the applicant's property was purchased with the knowledge that the lot was not a buildable lot of record, thereby negating the existence of unique circumstances related to the lot being platted and acquired before the current zoning regulations were established.***
- 6) That the proposed variance **will** alter the essential character of the locality in which the property in question is located. ***Specific findings: The degradation of the water quality caused by additional drainage and erosion on the site and additional strain on the aquifer caused by an additional private water supply well will alter the essential character of the locality.***
- 7) That the proposed variance is **not** consistent with the Comprehensive Plan. ***The proposed variance is not consistent with the Comprehensive Plan, as the area is guided for rural development, and allowing for smaller lots that do not meet the minimum size requirements of the Rural Single Family zoning district would be in conflict with the Comprehensive Plan.***

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Variance is denied.

Passed and duly adopted this 1st day of October, 2013 by the City Council of the City of Lake Elmo, Minnesota.

By: _____
Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk