

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

RESOLUTION NO. 2013-082

A RESOLUTION APPROVING 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, and Mr. Paul Hansen and Mrs. Nancy Hansen, 8024 Hill Trail North, Lake Elmo, Minnesota, (the “Applicants”) 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 and October 15, 2013 meetings.

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 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. ***Specific findings: The applicants have noted that the desire to build a single family home on a lot that is consistent in terms of lot area to the other properties in the neighborhood is a reasonable use not permitted by an official control.***
- 6) That 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 landowner/applicant. ***Specific findings: The applicants have noted that the property was owned by the Hansen family before the zoning district requirements were established. The lot is consistent in lot area with other adjacent properties that have single family homes. The establishment of zoning is a circumstance not created by the landowner.***
- 7) That the proposed variance will not alter the essential character of the Definition of Locality. ***Specific findings: The applicant has correctly noted that the lot is similar or consistent in lot area with most of the existing lots in the neighborhood. The construction of a single family home will not alter the essential character of the neighborhood.***
- 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 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.***

CONCLUSIONS AND DECISION

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

Passed and duly adopted this 15th day of October, 2013 by the City Council of the City of Lake Elmo, Minnesota.

By: _____
Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk