

RESOLUTION 91-40

A RESOLUTION GRANTING A VARIANCE TO THE CARMELITE MONASTERY  
FROM SECTION 301.090 I OF THE LAKE ELMO MUNICIPAL CODE  
(FRONTAGE ON A PUBLIC ROAD)

WHEREAS, the Carmelite Monastery submitted an application dated September 27, 1991 for a variance from Section 301.090 I of the Lake Elmo Municipal Code in order to be able to construct a building on a parcel which does not have frontage on a public dedicated road; and

WHEREAS, the City Council, sitting as the Board of Adjustment and Appeals held a public hearing pursuant to Section 301.060 C. 3. of the Lake Elmo Municipal Code on November 19, 1991 to consider such application; and

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council makes the following findings:

1. The applicant is the owner of the property legally described as follows:

All of Government Lot 4 in Section 9, Township 29, Range 21, according to government survey containing 59.4 acres of land. Also the South 30.6 acres of Lot 4 in Section 4, and the South West quarter of the South East quarter of said Section 4, all in Township 29, Range 21, being the Sough 688 feet, more or less, thereof.

2. The applicant has a private recorded easement which allows access to the north to DeMontreville Trail N. In order to connect to a public road on the south or east side of the property, it would be necessary for applicant to acquire a private easement and incur substantial road construction costs due to the existing topography.


3. The City's Law Enforcement Officials and the City's Fire Chief have advised the City that the private road is constructed in such a manner to support emergency vehicles; that they can gain access to such private roadway by notifying applicant, and in an emergency circumstance, if necessary, by cutting any security device on the access gate; and that the private road system is designed to facilitate the turn-around of emergency vehicles.

4. This property is located in the PF (Public Facility) zoning district and there are no other parcels in the PF zoning district in similar circumstances.
5. The applicant's property is part of an overall campus currently served by a private easement to a public road.
6. The granting of the variance requested will not confer on the applicant any special privileges denied by this ordinance to owners of property in the same zoning district.
7. The building proposed to be constructed will house up to 14 additional people, but due to the nature of this religious community, there will be less than the normal amount of traffic.
8. The requested variance is the minimum variance which would be required to alleviate the hardship.
9. The construction of a building on this site, to be used as a monastery, will not be materially detrimental to the City's zoning ordinance.

NOW, THEREFORE, the City Council hereby grants a variance to the Carmelite Monastery from the provisions of Section 301.090 I., subject to the following conditions:

1. If the access gate is locked, the City's emergency personnel shall be provided with a key.
2. The City's emergency personnel shall be advised of the names and telephone numbers of on-site residents who can provide access to the site.
3. The private access road shall be maintained at all times, during all seasons, in a manner which allows access of emergency vehicles and shall be able to support emergency vehicles.
4. The Applicant shall comply with all State Building Standards and Safety Codes.
5. The City shall not be liable for damages incurred due to the use of wire cutters, or similar tools, when their use is necessary to gain access to property.
6. Any further expansion on this property shall comply with the then current zoning regulations.

ADOPTED BY THE CITY COUNCIL THIS 3RD DAY OF DECEMBER,  
1991.

  
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David Johnson, Mayor

Attest:

  
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Mary Kueffner, City Administrator