

**City of Lake Elmo
Washington County, Minnesota**

Resolution No. PZ98-45

A RESOLUTION/ORDER REGARDING A ZONING ORDINANCE VARIANCE

WHEREAS, the Lake Elmo Planning Commission has reviewed and heard testimony regarding the application of Bealka, Mundinger and Moris, applicants, to vary from the standards of Section 300.04, Subd. 4B Lake Elmo City Code with respect to the property described as follows:

PARCEL A: Bradley A. Bealka and Diana B. Mundinger

Tract A, Being out of and part of the Northeast Quarter of the Southeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows: Commencing at the Northeast Corner of said Northeast Quarter of the Southeast Quarter, thence along the North line of said Northeast Quarter of the Southeast Quarter, South 88 degrees 50 minutes 37 seconds West, 1249.61 feet to the East line of Outlot B, Moris Addition, a plat of record, of said County, thence South 01 degrees 15 minutes 34 seconds East, along said East line of Outlot B, 837.89 feet to a point in the North line of Lot 1, Block 1, of said Moris Addition; thence with said North line, North 88 degrees 44 minutes 25 seconds East, 150.00 feet to the Northeast corner of said Lot 1 and the point of beginning. Thence North 88 degrees 44 minutes 25 seconds East, 192.41 feet; thence South 03 degrees 01 minutes 20 seconds East, 283.13 feet; thence South 88 degrees 44 minutes 25 minutes West, 192.41 feet to the Southeast corner of said Lot 1; thence with the East line of said Lot 1, North 03 degrees 01 minutes 20 seconds West, 283.13 feet to the point of beginning.

WHEREAS, said variance is described as follows:

To permit an accessory structure (barn) of 2,974 square feet area on a parcel of less than 10 acres in the RR zoning district, where 1000 square feet area is the maximum permitted.


NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo Planning Commission does hereby make the following findings concerning said variance:

1. There exist extraordinary circumstances that do not generally apply to other parcels in this zoning district that result from earlier platting action, which illogically separated the structures of this historic farmstead.
2. The literal interpretation of the applicable Zoning Ordinance sections with regard to accessory building maximum size will deprive the prospective land owner of the right to preserve an architectural feature (barn and silo) becoming increasingly unique in the City of Lake Elmo, and not common with properties in the same zoning district.
3. The circumstances are the result of prior platting actions of the City and not the applicant.
4. The variance will not confer upon the applicant privileges denied to other property owners within this zoning district.
5. The variance is the minimum logical action that will alleviate the circumstances.
6. The variance will not be detrimental to the purposes of this section, or to other property in this zone due to the isolated location of the property involved.

BE IT FURTHER RESOLVED, that the Lake Elmo Planning Commission hereby approves said variance and issues this Order, subject to the following conditions:

1. Demolition of the 474 square foot shed accessory structure by December 1, 1998.

ADOPTED, by the Lake Elmo Planning Commission this 20th day of July, 1998.


Tom Armstrong, Chairman
Lake Elmo Planning Commission

ATTEST:

Mary Kueffner, City Administrator

BealkaVAR