

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

Resolution No. 98-66

**RESOLUTION AFFIRMING THE NOTICE OF VIOLATION-COMPLIANCE ORDER
OF THE LAKE ELMO CODE ENFORCEMENT OFFICER**

1. **Whereas**, Countryside Pool and Spa (herein "**Countryside**") is the tenant of a portion of a building located at 9242 Hudson Boulevard within the City of Lake Elmo and legally described as the South 675 feet of the West 333 feet of the East ½ of the Southwest 1/4 of Section 34, Township 29, Range 21, Washington County, Minnesota (herein "**Property**");

2. **Whereas**, on September 21, 1998, the Lake Elmo Code Enforcement Officer issued a Notice of Violation - Compliance Order (herein "**Notice/Order**") to Countryside stating that the portion of the Property used or occupied by Countryside was in violation of Lake Elmo Code Section 300.07, Subd. 4(H)(1)(f)(I), relating to storage of materials on the site; and with Lake Elmo Code Section 535.06, Subd. 1(H) relating to business signage;

3. **Whereas**, Countryside appealed the decision of the Lake Elmo Code Enforcement Officer;

4. **Whereas**, on October 20, 1998, the Lake Elmo City Council, acting as the Board of Adjustments and Appeals (herein "**Board of Appeals**") conducted a hearing to accept testimony regarding the appeal of Countryside;

5. **Whereas**, at the conclusion of the hearing on October 20, 1998, the Board of Appeals directed the city staff to prepare a report, detailing in particular, the history of the sign usage for the Property;

6. **Whereas**, the Board of Appeals has now received and reviewed the report of the Lake Elmo City Planner dated November 12, 1998, which indicates that the general sign usage for the building on the Property and the specific sign usage of Countryside is in violation of the City's regulations; and

7. **Whereas**, the Board of Appeals makes the following findings of fact:

- A. That the use of the Property by Countryside is in violation of Lake Elmo Code Section 300.07, Subd. 4(H)(1)(f)(I), because Countryside is using tractor trailers to store materials on the site.
- B. That the use of the Property by Countryside is in violation of Lake Elmo Code Section 535.06, Subd. 1(H) because Countryside has a portable sign on that portion of the Property which it occupies or uses.

- C. That the overall signage for the building on the Property is in violation of the City's sign regulations.

Now, therefore, based on the foregoing findings of fact, be it resolved, that the Notice/Order of the Code Enforcement Officer dated September 21, 1998 is affirmed and Countryside is directed to bring its storage and signage use of the its portion of the Property into compliance with the City's regulations within ten (10) days of the date of this resolution.

Be it further resolved, that the City's Code Enforcement Officer forward a Notice of Violation/Compliance Order to the owners of the above Property reciting the signage violations that apply to the entire building and ordering the building owner to comply with the Lake Elmo Sign Regulations.

Adopted by the Lake Elmo City Council acting as the Board of Adjustments and Appeals on this 1st day of December, 1998.

City of Lake Elmo

By Lee Hunt
Mayor: Lee Hunt

Attested By:

Mary Kueffner
Mary Kueffner, City Administrator