

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

**Resolution No. PZ 98-72**

**A RESOLUTION REGARDING A ZONING ORDINANCE VARIANCE**

**WHEREAS**, the Lake Elmo Planning Commission has reviewed and heard testimony regarding the application of John & Diana Meier, applicants, to vary from the standards of Section 300.07 Subd. 2 Lake Elmo City Code with respect to the property described as follows:

That part of Lot Twenty-three (23), OACE ACRES SECOND EDITION as surveyed and platted and now on file and of record in the office of the Registrar of Titles in and for the County of Washington, State of Minnesota, described as follows, to wit: Beginning at an iron pipe at the Northwest corner of said Lot 23, thence East along the North line of said Lot 23 a distance of four hundred and eight and nine-tenths (408.9) feet to a monument (J.L. #3), thence Southeasterly on a bearing of S 01 degrees 47 minutes East a distance of two hundred (200.0) feet to a monument (J.L. #4), thence Southwesterly on a bearing of S 72 degrees 49 minutes West a distance of sixty-nine and eight-tenths (69.8) feet to an iron pipe, thence Northwesterly on a bearing of N 33 degrees 21 minutes West a distance of one hundred and sixty-six and three-tenths (166.3) feet to an iron pipe, thence Northwesterly on a bearing of N 62 degrees 50 minutes West a distance of one hundred six and five-tenths (106.5) feet to an iron pipe, thence west along a line parallel to and thirty-three (33) feet South of the North line of said Lot 23, a distance of one hundred twenty-nine and twenty-five hundredths (129.25) feet to an iron pipe, thence South a distance of fifty and seventy-three hundredths (50.73) feet to an iron pipe, thence Southwesterly on a bearing of S 68 degrees 55 minutes West a distance of twenty-three and four tenths (23.4) feet more or less, to an iron pipe on the East line of the platted roadway, thence Northwesterly along the East line of the platted roadway a distance of twenty-three and nine-tenths (23.9) feet to an iron pipe, thence North along the West line of said Lot 23, a distance of seventy-one and two-tenths (71.2) feet to an iron pipe, the point of beginning, commonly known as 4731 Birchbark Trail North, Lake Elmo, Minnesota.

**WHEREAS**, said variances are described as follows:

To permit a screened porch in the Shoreland setback; and to permit a deck/screened porch to extend closer to the Ordinary High Water Mark than 15% of the principal structure setback.

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

1. There does exist extraordinary circumstances that do not generally apply to other parcels in this zoning district.
2. The literal interpretation of the applicable Zoning Ordinance sections with regard to Shoreland setbacks will deprive the landowner of the right to preserve reasonable property rights.


3. The circumstances are the result of prior permitting 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.

**WHEREAS**, said variances are approved subject to the following condition:

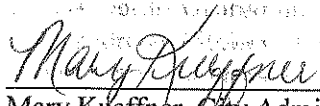
1. The building permit application shall include plans for any vegetation to be removed to be restored no later than June 1, 1999.

**BE IT FURTHER RESOLVED**, that the Lake Elmo Planning Commission hereby approves and issues this Order.

**ADOPTED**, by the Lake Elmo Planning Commission this 21<sup>st</sup> day of December, 1998.

  
\_\_\_\_\_  
Thomas Armstrong, Chairman  
Lake Elmo Planning Commission

**ATTEST:**

  
\_\_\_\_\_  
Mary Kueffner, City Administrator