

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

Resolution No. PZ 99-69

**A RESOLUTION REGARDING A SHORELAND STANDARDS VARIANCE
James Marchio – 8130 Hill Trail North**

WHEREAS, The Lake Elmo Planning Commission has reviewed and heard testimony regarding the application of James Marchio, to vary from the standards of Section 325.06 – Shoreland Standards Subd. 4.A. Placement, Design and Height of Structures, A. of the Lake Elmo City Code with respect to the property described as follows:

8130 Hill Trail North

WHEREAS, said variances is described as follows:

1. To permit structure setback to ordinary high water mark from 100 feet to 72 feet.

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

1. Extraordinary and substantially unique circumstances apply to the property which do not generally apply to other properties in the vicinity or elsewhere in the Shoreland District, by the nature of the existing covered deck appurtenance to the house, which pre-dates Shoreland Standards - uncommon occurrence in the City. No additional set back encroachment or impervious site coverage would result from the variance.
2. Property owners in the R-1 zoning district typically enjoy the right to enclose covered decks. To deny this property owner that right by literal interpretation of Shoreland Standards, under the unique circumstances presented, would reasonably deprive this applicant of those normally enjoyed rights.
3. The existing circumstances of a covered porch within 72 feet of the Ordinary High Water Level pre-date the applicant's ownership of the site and the existence of Shoreland Standards.
4. Due to the unique physical circumstances of the existing site/structure and the historic circumstances of the site, no special privilege will be conferred to the applicant by the approval of this variance.
5. There is no alternate or lesser variance that could be granted to accomplish the applicant's plan.
6. Due to the heavily wooded nature of the immediate vicinity and the location of the structure nearly 30 feet above the lake, the variance would not be detrimental to surrounding properties or the shoreland Standards of the Zoning Ordinance.
7. Minnesota DNR has reported that it does not object to approval of this variance.

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

1. The three-season porch must not approach any closer to Lake DeMontreville than the existing porch.
2. The applicant must take steps to ensure that erosion will not occur from the site during the period of construction.
3. The structure must be screened from view on Lake DeMontreville by the use of existing trees, the planting of additional trees, color and any other measures that meet the approval of the City.

ADOPTED, by the Lake Elmo Planning Commission this 13th day of October, 1999.

A handwritten signature in dark ink, appearing to read "Thomas Armstrong", written over a horizontal line.

Thomas Armstrong, Chairman
Lake Elmo Planning Commission

ATTEST:

Mary Kueffner, City Administrator