

## **CITY OF LAKE ELMO**

### **RESOLUTION NO. 99-37**

#### **A RESOLUTION RELATING TO AN APPEAL FROM AN ADMINISTRATIVE DECISION.**

**WHEREAS**, on May 17, 1999, the Lake Elmo Building Inspector notified Rod Sessing who resides at 5699 Keats Avenue North, that the landscaping/erosion control improvements which had been made to a portion of his property were not in compliance with the City's Regulations (Lake Elmo Code Chapter 1365 and Chapter 150-Landscaping); and

**WHEREAS**, on May 24, 1999, Rod Sessing appealed the administrative decision of the City and requested that the appeal be heard by Lake Elmo City Council pursuant to its Regulations; and


**WHEREAS**, on July 6, 1999, the Lake Elmo City Council heard the appeal of Rod Sessing and made the following findings of fact:

1. Rod Sessing used field stone to landscape and construct erosion control improvements within the side yard of his property;
2. Lake Elmo Code, Section 1365.01 requires "soil retention cover such as sod, seed and mulch, plantings, or as may be necessary to protect the soil and aesthetic values on the lot and adjacent property";
3. Lake Elmo Code, Sections 1365.03 and 1365.04, requires side yards to be landscaped;
4. Lake Elmo Code, Chapter 150 defines landscaping as the "planting of trees, shrubs and turf covers such as grasses and shrubs";
5. In the past, the City of Lake Elmo has not interpreted the provisions of Chapter 1365 or the definition of landscaping to prevent the exclusive use of field stone and decorative rock;
6. Field stone and/or decorative rock have been used as a subsidiary component of landscaping in the City of Lake Elmo;
7. The City Building Inspector specifically authorized the use of field stone on the Sessing property in September, 1997 and in July of 1998;

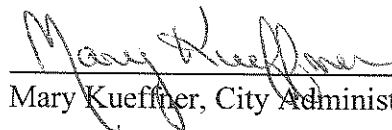
8. Mr. Sessing relied on the City's interpretation of its Regulations and upon its authorization when constructing the landscape/erosion control improvements on his property;

**NOW, THEREFORE, BE IT RESOLVED** that the Lake Elmo City Council hereby overturns the administrative decision of the City, approves the current use of field stone on the Sessing property and directs the City Staff to recommend changes to the City Code which would specifically allow the use of field stone and/or decorative rock as landscaping materials in the City of Lake Elmo.

Approved by the City Council 20<sup>th</sup>  
day of July, 1999.

  
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Lee Hunt, Mayor

ATTEST:

  
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Mary Kueffner, City Administrator