

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2000-021
AN ORDER ISSUED BY THE BOARD OF ADJUSTMENT AND APPEALS**

WHEREAS, Richard Kosman, Leslie's Floor Decor, 11227 Stillwater Blvd. N., applied for variances to Section 535 of the Code (Signs) to construct a sign at 11227 Stillwater Blvd.,

WHEREAS, the variances requested by the applicant are for sign area of 56 square feet, where the Code standard is 30 square feet maximum; sign height of 14 feet, where the Code standard is 6 feet maximum, and, sign setback of 9 feet, where the code minimum is 15 feet,

WHEREAS, at its April 24, 2000 meeting, the Planning Commission held the Public Hearing required by Code and adopted Resolution No. PZ2000-018 denying the Sign Ordinance Variance application of Richard Kosman to construct a replacement sign at Leslie's Floor Décor of 56 square feet area, at a height of 14 feet, and setback from State Highway 5 a distance of 9 feet based on Findings stated in the Resolution.

WHEREAS, on April 27, 2000, the Board of Adjustment and Appeals received from Richard Kosman, a notice of appeal to the Planning Commission's decision for denial within the 5 day appeal period.

WHEREAS, the Zoning Administrator notified the applicant, the Chairperson of the Planning Commission, and the abutting property owners of the time and place of the hearing.


WHEREAS, at the May 16, 2000 meeting, the Board of Adjustment of Appeals held the hearing and considered the applicant's appeal to the decision of the Planning Commission,

WHEREAS, at the June 6, 2000 meeting, the Council approved the request by Richard Kosman to extend his Appeal until the June 20, 2000 Council meeting,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Adjustment and Appeals approves the requested variances on Appeal by Richard Kosman, Leslie's Floor Décor, 11277 Stillwater Blvd. based on the following findings:

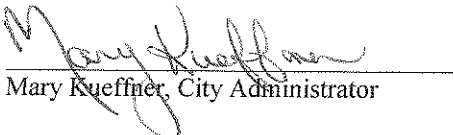
1. The area and dimensions of the subject land parcel are the result of historic platting and substantially less than present requirements for the zoning district, creating an extraordinary circumstance.
2. Similar signage rights have been established in the immediate neighborhood involving similar uses. The applicant would be deprived of those rights if a variance were denied.
3. The applicant is reducing the degree of non-conformity of signage on the subject parcel.
4. No special privilege will be accorded the applicant by granting of the variances that has not been accorded other property owners under similar circumstances.
5. The variances requested are the minimum necessary to alleviate the specified hardship.
6. The approval of the variances would not be detrimental to the purposes of the sign ordinance or to other property in the General Business Zone.

ADOPTED, by the Board of Adjustment and Appeals on the 20th day of June, 2000.



Lee Hunt, Mayor

ATTEST:



Mary Kueffner, City Administrator