

City of Lake Elmo
Washington County, Minnesota

Resolution No. PZ 2001-30A

A RESOLUTION GRANTING
SHORELAND STANDARDS VARIANCE
and
NON-CONFORMING USES VARIANCE
Joe and Lori Kiesling - 9359 Jane Road North

WHEREAS, the Lake Elmo Planning Commission, at its May 14, 2001 meeting, reviewed and heard testimony regarding the application of Joe and Lori Kiesling, to vary from the standards of Section 325.06 - Shoreland Standards Subd. 4.A Placement, Design, and Height of Structures, and, Section 300.05 Subd.2 C. Non-Conforming Uses, Buildings and Structures of the Lake Elmo City Code with respect to the property located at:

9359 Jane Road North

WHEREAS, said variances are described as follows:

1. A variance to enlarge the existing structure 22 feet from the Ordinary High Water level, where 100 feet is required; and,
2. A variance to alter a non-conforming structure.

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

1. The physical circumstances of this site are unusual, in a citywide context, due to platting prior to adjustment of the Ordinary High Water of Lake Jane and the adoption of Shoreland standards by the City. Few parcels in the City exhibit similar constraints of lot depth that from these two factors.
2. Reasonable improvements, remodeling and additions to a home are a right normally enjoyed by other property owners in the area. Many examples of such improvements in the neighborhood were cited. A literal interpretation of the setback standard would preclude the applicant from enjoying these rights.
3. The conditions leading to this variance resulted from actions of the City prior plat approval; the Watershed District by establishing Lake Jane Ordinary High Water well after platting the parcel; and, the State Legislature by mandating Shoreland Zoning well after platting approval. The applicant was not party to those actions.
4. No special privilege will be granted to the applicant not enjoyed by the majority of property owners in this zoning district.

5. Since any expansion of the existing building would require the proposed variance; the variance applied for is the minimum variance required alleviating the hardship demonstrated.
6. The variance will not be materially detrimental to the purposes of the Zoning Ordinance or other properties.

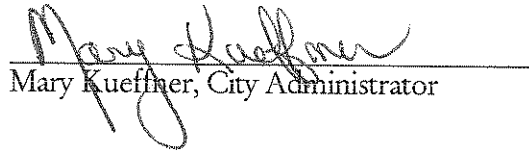
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo Planning Commission hereby grants this order.

ADOPTED, by the Lake Elmo Planning Commission this 14th day of May 2001.



Thomas Armstrong, Chairman
Lake Elmo Planning Commission

ATTEST:


Mary Kueffner, City Administrator

*This resolution amends PZ2001-30, as a result of a motion approved regarding Minutes from the May 14, 2001 Planning Commission meeting, where Commissioner Deziel presented Findings of Fact.