

City of Lake Elmo
Washington County, Minnesota

Resolution No. PZ 2001-31

A RESOLUTION REGARDING A SHORELAND STANDARDS VARIANCE
Robert & Lucy Golish – 9369 Jane Road

WHEREAS, the Lake Elmo Planning Commission, at its May 14, 2001 meeting, reviewed and heard testimony regarding the application of Robert & Lucy Golish, to vary from the standards of Section 325.06 – Shoreland Standards Subd. 4.A Placement, Design, and Height of Structures, and Subd. 2.B, Lot Width of the Lake Elmo City Code with respect to the property located at:

9369 Jane Road North, legally described as Lot 11 of Berschens Shores.

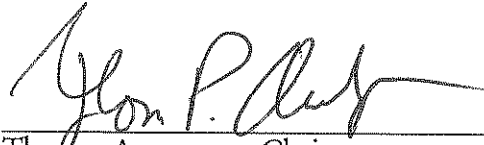
WHEREAS, said variance is described as follows:

A variance to place a structure 44.2 feet to 52.7 feet from the Ordinary High Water (OHW) level, where 100 feet is required; and, a variance to allow a lot width of 103.34 feet, where 150 feet is required.

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 result from these two factors.
2. Protection of homes from surface water flooding is a right normally enjoyed by other property owners. A literal interpretation of the setback standards, when coupled with the age of the existing structure would preclude the applicant from enjoying these rights.
3. The conditions leading to this variance resulted from actions of the City by prior plat approval; the Watershed District by establishing Lake Jane Ordinary High Water well after platting of the parcel; and, the State Legislature by mandating Shoreland Zoning well after plat 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. The variance will not be materially detrimental to the purposes of the Zoning Ordinance or other properties.

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

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

Thomas Armstrong, Chairman
Lake Elmo Planning Commission

ATTEST:

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

Mary Kueffner, City Administrator