

City of Lake Elmo
Washington County, Minnesota

Resolution No. PZ 2001-36

A RESOLUTION REGARDING A VARIANCE to the
MINIMUM LOT AREA STANDARDS in
TABLYN PARK RESIDENTAIL DEVELOPMENT

to
Anthony Carlone
8655 27th Street

WHEREAS, the Lake Elmo Planning Commission, at its May 30, 2001 meeting, reviewed and heard testimony regarding the application of Anthony Carlone, to vary from the standards of Section 300.09 Additions and Exceptions to Minimum Area, Height, and Other Requirements of the Lake Elmo City Code at property legally described as:

Lots 1, 2, 3, 4, 5, and, 6 of Lot One;
and,
Lots 7, 8, 9, 10, and 11 of Block Two,
Tablyn Park.

WHEREAS, said variance is to create 5 new lots; 2 at 30,000 square feet, 2 at 30,200 square feet, and 1 at 32,000 square feet, and, an additional remnant parcel of 15,000 square feet, in the R-1 Zoning District, where 1.5 acres is required.

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

1. There would appear to be somewhat unique circumstances regarding the parcels as they exist. They were created in an unusual configuration (length to width) in response to issues unrelated to the practicality of the end use intended by the original platting, after being first platted in character with adjacent parcels.
2. The literal interpretation of the lot area standards of the R-1 district in this case would deprive the applicant of rights enjoyed by other property owners in the Tablyn Park neighborhood, if not all R-1 zoned areas of the City. The average lot size in this neighborhood is 24,000 square feet, or 37% of the R-1 minimum standard. The variances would result in parcels in excess of 30,000 square feet, or 46% of the R-1 lot size standard. Lots of Record is considered by the Zoning Ordinance to be conforming at 39,000 square feet.
3. It is reported by the applicant, and confirmed by City staff that was involved at the time, that the combination of the originally platted lots into the two large existing tax parcels was advocated by the City. As such, the actions resulting in the existing parcel areas are not totally attributable to the applicant.

4. The variances requested would not confer on the applicant any privilege that has been denied to other property owners in this neighborhood, if not all R-1 zoned areas of the City. Prior variance approvals have used the Average Lot size of the Neighborhood criterion.
5. To the extent the hardship demonstrated is that of the unusual configuration of the existing tax parcels, the variances requested is the minimum necessary to alleviate excessive lot aspect ratios.
6. The variances will not be detrimental to the purpose of the Zoning Code, nor to properties within this neighborhood and zone.
7. The hardship may be, in part, economic but is also demonstrated to be, in part, the unique and constrained existing parcel configuration.

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

1. Compliance with the recommendations of the City Engineer, and City Attorney – if any.
2. Concurrent combination of the remnant parcels (Lot 11, Block 2 Tablyn Park) with the Lot 12, Block 2 Tablyn Park.
3. The combination of existing tax parcel proposed shall be reviewed and processed as a waiver of sub division regulations.

ADOPTED, by the Lake Elmo Planning Commission this 30th day of May 2001.



Thomas Armstrong, Chairman
Lake Elmo Planning Commission

ATTEST:



Mary Kueffner, City Administrator