

City of Lake Elmo
Washington County, Minnesota

Resolution 2001- 044

**A RESOLUTION APPROVING THE ISSUANCE OF
NEW PARCEL IDENTIFICATION NUMBERS**

WHEREAS, Lots 1, 2, 3, 4, 5, 6 and 7, Block 1, Tablyn Park were combined into one tax parcel; and

WHEREAS, Lots 7, 8, 9, 10 and 11, Block 2, Tablyn Park were combined into one tax parcel; and

WHEREAS, the combination of the aforementioned lots was for tax purposes only; and

WHEREAS, the Lake Elmo Planning Commission, at its May 30, 2001 meeting, reviewed and heard testimony regarding the application for variance 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, 6, and 7, Lot 1 Tablyn Park;
P.I.D. No. R21.029.21.13.0001

and,

Lots 7, 8, 9, 10, and 11, Block 2, Tablyn Park
P.I.D. No. R21.029.21.12.0019

WHEREAS, variances 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 was approved by the Planning Commission based on the following findings:

1. There would appear to be 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 more than 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, or 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.

WHEREAS, the Lake Elmo Planning Commission approved the variances requested subject to the following conditions:

1. Compliance with the recommendations of the City Engineer, and City Attorney.
2. The City Attorney has recommended that the property owner restrict the use of the new tax parcels so that each new tax parcel can only be used for one single-family dwelling.
3. Concurrent combination of the remnant parcels (Lot 11, Block 2 Tablyn Park) with the Lot 12, Block 2 Tablyn Park.

NOW, THEREFORE, BE IT RESOLVED by the Lake Elmo City Council that separate tax parcel numbers be issued by Washington Council for the following parcels:

Lot 1 and Lot 2, Block 1, Tablyn Park

Lot 3 and Lot 4, Block 1, Tablyn Park

Lot 5 and Lot 6, Block 1, Tablyn Park

Lot 7, Block 1, Tablyn Park

Lot 7 and Lot 8, Block 2, Tablyn Park

Lot 9 and Lot 10, Block 2, Tablyn Park

Lot 11, Block 2, Tablyn Park

BE IT FURTHER RESOLVED, that said approval is conditioned as follows:

1. Applicant shall provide to the City, in a form approved by the City Attorney, a Restrictive Covenant to be attached to each new tax parcel, which prohibits the construction of more than one residential dwelling on each new tax parcel, except Lot 11, Block 2.
2. Applicant shall provide proof of conveyance of Lot 11, Block 2 to the owner of Lot 12, Block 2 before the recording of this resolution with Washington County.
3. The City is named as a third party on the Restrictive Covenant.

ADOPTED, by the Lake Elmo City Council this 5th day of July 2001.



Lee Hunt, Mayor

ATTEST:


Mary Kueffner, City Administrator