

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2002-036

A RESOLUTION DENYING THE ZONING VARIANCE REQUEST
OF DANIEL RUDE

WHEREAS, the Lake Elmo Planning Commission, at its March 11, 2002 meeting, reviewed and heard testimony regarding the application of Daniel Rude to vary from the R-1 Zoning Requirements of the Lake Elmo Municipal Code to construct a new residence on a 24,032 square foot non-sewered parcel on Kraft Circle, that is legally described as:

Part of Lot 7 being S 100 feet of Easterly 120.16 feet of Westerly 240.32 feet First Rearrangement Lot 3; and, the South 100 feet of the West 60.08 feet of Lot 7, First rearrangement of Lot 3, Block 3, Lake Elmo Park; and the South 100 feet of the East 60.08 feet of the West 120.16 feet of Lot 7, First Rearrangement of Lot 3, Block 3, Lake Elmo Park.

WHEREAS, the Planning Commission recommended denial of the application of Daniel Rude for variances to Section 300.07 Subd. 4C3 (R-1 Minimum Lot Area); Section 300.09 Subd. 2 (Contiguous Parcel Ownership); and, Section 300.09 Subd. 8 (Minimum Sewage Treatment Area) based on the following findings:


1. The requested variance does not exhibit extraordinary or exceptional circumstances which do not apply generally to other properties in the R-1 zone or vicinity of the site. A significant number of vacant tax parcels, zoned R-1 and of a similar parcel area exist within the platted area of the Old Village.
2. The granting of the variance will confer on the applicant a special privilege that is denied by standards of the Zoning Ordinance to other owners of land under similar circumstances within the R-1 district. Numerous vacant tax parcels of similar area are denied the privilege to construct a residence that would be conferred on the applicant by approval of the variance.
3. The granting of the variance would be materially detrimental to the purposes of the Zoning Ordinance by establishing significantly reduced standard for unsewered R-1 lot area. Granting of the variance request would nearly triple the land use intensity from that assumed by the Zoning Ordinance for unsewered parcels.
4. The hardship claimed by the applicant is economic alone.

5. The hardship claimed is the direct result of actions by the applicant by his failure to combine several substandard lots of record that are contiguous.
6. The applicant's existing reasonable use of the subject parcel is established by the fact that, when the area of the subject parcel is combined with the area of the three additional contiguous parcels owned by the applicant, and the land area proposed to be purchased by the applicant from the City, the resulting sum area is substandard for a single residence by R-1 standards. There is no hardship demonstrated by lack of reasonable use of the subject parcel.
7. The approval of the variance would be inconsistent with the provisions of Section 300.09, Subd. 2 of the City Code regarding contiguous non-conforming parcels of record in common ownership.
8. Application assumes ownership of property not controlled by the applicant and if this property is subtracted from area described in the first Whereas clause hereof, the degree of variance compared to the City code requirements becomes ever more severe, especially in regard to limited lot area.

WHEREAS, at its May 7, 2002 meeting, the Lake Elmo City Council reviewed the zoning variance application of Daniel Rude;

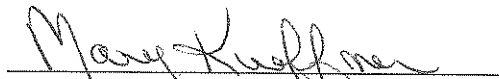
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council hereby denies the zoning variance application of Daniel Rude based on the recommendation and findings of the Planning Commission.

ADOPTED by the Lake Elmo City Council on May 7, 2002.



Lee Hunt, Mayor

ATTEST:



Mary Kueffner, City Administrator