

**City of Lake Elmo
Washington County, Minnesota**

Resolution No. 2003-030

**A RESOLUTION APPROVING A VARIANCE
TO THE SHORELAND STANDARDS
In R-1 Zoning District for Roger and Mary Kostelnik**

WHEREAS, at its February 10, 2003 meeting, the Lake Elmo Planning Commission reviewed and heard testimony regarding the application of Roger and Mary Kostelnik, to vary from the standards of Section 325.06 – Shoreland Standards Subd. 4.A Placement, Design, and Height of Structures; Setbacks from the Ordinary High Water (table) of the Lake Elmo City Code with respect to the property generally described as follows:

LANES DEMONTREVILLE COUNTRY CLUB, Lots 495 & 496, 643 & 644, and the northwesterly 10 feet of lots 497 & 652 and vacated street adjusting lots 495 & 644, 8098 Hill Trail North, Lake Elmo, Washington County, Minnesota, lying westerly of Lake Demontreville, and easterly of the Centerline of Hill Trail North.

WHEREAS, the Lake Elmo Planning Commission recommended denial of this variance request.

WHEREAS, said variance is to enclose an existing deck into a three-season porch and construct a landing/deck 31 feet from the Ordinary High Water level of Lake Demontreville where 100 feet are required.

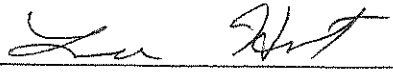
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council does hereby make the following Findings concerning said variance:

1. The property cannot be put to reasonable use without granting the variance requested.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of Shoreland Regulations, and the circumstances of the variance were not solely created by the applicant.
3. Granting the variance will not change the essential character of the neighborhood, as evidenced by substantial written support of the variance from neighboring property owners.

BE IT FURTHER RESOLVED, a hardship has been demonstrated because the property cannot be put to reasonable use without the requested variance, and this variance is hereby approved, subject to the following conditions:

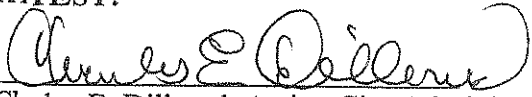
1. The enclosed deck will be maintained as and remain a “3-season porch.” Said condition to be evidenced by a covenant to be recorded on the title to the property.
2. The deck enclosure shall be equipped with roof gutters, with the downspouts located at the furthest possible point from the lake, as determined by the Building Official.

ADOPTED, by the Lakeview City Council this 1st day of April, 2013.



Lee Hunt, Mayor

ATTEST:



Charles E. Dillerud, Acting City Administrator