

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-043

A RESOLUTION DENYING A SEPTIC SETBACK VARIANCE
REQUESTED BY GARY WEBSTER

WHEREAS, Gary Webster, 3604 Layton Avenue N., has requested a variance to place a new septic drain field within 5 feet of a property line and within 12 feet of a structure.


WHEREAS, at its May 10, 2004 meeting, the Lake Elmo Planning Commission conducted the public hearing and recommended denial of the septic setback variances at 3604 Layton Avenue based on the following findings:

1. The property can be put to reasonable use – as defined by the circumstances of this particular case – if used under the conditions of the Chapter 700 of the City Code. The site currently has a functioning drain field that poses no imminent health threat, and complies with drain field setback standards.
2. The plight of the present land owner – small site land area; present drain field location; and lack of a garage, were known to the present land owner (Applicant) as existing conditions upon site acquisition. The variance applicant is sole the result of the land owner/applicant deciding to construct a garage, not a result of total drain field failure. The public health and safety protection accorded by the prescribed drain field setbacks outweigh any property owner hardship resulting from having no garage on the site.
3. The variances, if granted, will not alone change the essential character of the neighborhood.

WHEREAS, at its May 18, 2004 meeting, the Lake Elmo City Council reviewed Gary Webster's application at 3604 Layton Avenue N. to place a new septic drain field within 5 feet of a property line (10 feet required), and within 12 feet of a structure (20 feet required).

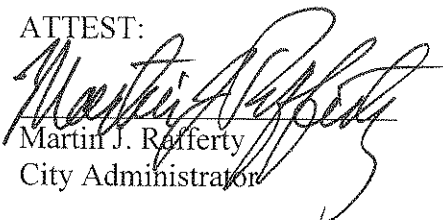
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council denies the application of Gary Webster, 3604 Layton Avenue N., to place a new septic drain field within 5 feet of a property line and within 12 feet of a structure based on the Findings and the recommendation of the Planning Commission.

ADOPTED, by the Lake Elmo City Council on the 18th day of May, 2004.



Lee Hunt, Mayor

ATTEST:



Martin J. Rofferty
City Administrator