

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-059

A RESOLUTION APPROVING A SHORELAND OVERLAY DISTRICT VARIANCE  
FOR THOMAS AND JENEAL OLSEN AT 2225 LEGION LANE

WHEREAS, at its July 12, 2004 meeting, the Planning Commission held a public hearing and recommended approval of an application from Thomas and Jeneal Olsen, at 2225 Legion Lane, for a shoreland overlay district variance to reconstruct a pre-existing deck within the Shoreland Ordinary High Water of Downs Lake per plans staff dated July 8, 2004.

WHEREAS, at its July 20, 2004 meeting, the Lake Elmo City Council reviewed the application of Thomas and Jeneal Olsen for a shoreland overlay district variance and made the following findings:

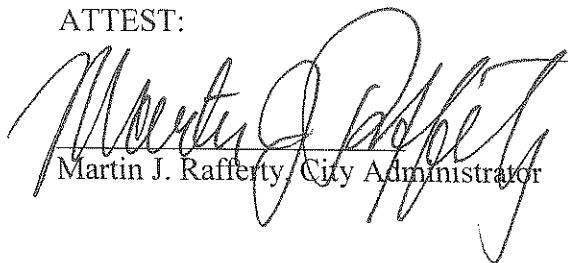
1. The property can not be put to reasonable use without the granting of the variance requested. Reasonable use must be defined in the context of pre-existing conditions related to the layout of the house, and the need to reconstruct a deteriorated deck constructed prior to Shoreland Standards.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of current zoning regulations; and, the circumstances of the variance were not solely created by the applicant. Also, that the applicant proposes to reconstruct the deck at 2 feet less encroachment to the OHW setback than the previously existing deck.
3. Granting of the variance will not change the essential character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, the Lake Elmo City Council approves the Shoreland Overlay District Variance at 2225 Legion Lane to allow reconstruction of a pre-existing deck on Downs Lake for Thomas and Jeneal Olsen, based on a plan staff-dated July 8, 2004, and on the Findings of the Planning Staff Report dated July 8, 2004.

ADOPTED, by the Lake Elmo City Council on the 20<sup>th</sup> day of July, 2004.

  
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Lee Hunt, Mayor

ATTEST:

  
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Martin J. Rafferty, City Administrator