

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-088

A RESOLUTION DENYING A SIDE YARD SETBACK VARIANCE REQUESTED
BY CALVIN BROOKMAN AT 3385 LAKE ELMO AVENUE

WHEREAS, Calvin Brookman has made application to the City of Lake Elmo for a side yard setback variance in the R-1 zoning district to construct a new garage at 3385 Lake Elmo Avenue North, Lake Elmo, Minnesota.

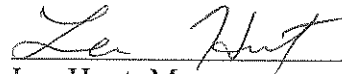
WHEREAS, the Lake Elmo Planning Commission considered this variance request at its September 27, 2004 meeting, and recommended that the variance not be granted based on the following Findings:

1. The property can be put to reasonable use without the granting of the variance requested. Reasonable use must be defined in the context of the reasonable availability of locations that comply with R-1 setbacks to construct a garage of the dimensions proposed.
2. The variance requested does not result from physical circumstances unique to this property. Lot widths of 90 feet are common on properties developed responsive to the Open Space Preservation Ordinance over the past eight years. In addition, the circumstances leading to this request for variance are partly the result of 1971 actions by the applicant with the construction of an in-ground swimming pool at a locating on the site that precludes one (but not all) location options for a garage structure that meets setbacks.
3. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, the Lake Elmo City Council reviewed the side yard setback variance requested by Calvin Brookman, 3385 Lake Elmo Avenue, at the October 5, 2004 meeting.

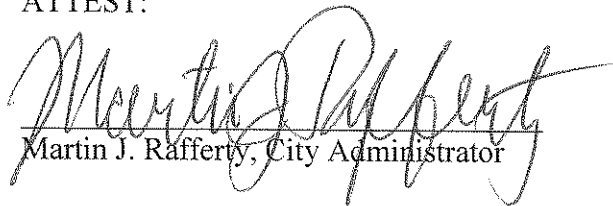
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council hereby denies a side yard setback variance request to allow Calvin Brookman, 3385 Lake Elmo Avenue, to construct a new garage based on no physical hardship exists that would support a variance in that sufficient room appears available on the site to construct a new garage on the proposed dimensions that would fully comply with the setback standards.

ADOPTED by the Lake Elmo City Council on October 5, 2004.



Lee Hunt, Mayor

ATTEST:



Martin J. Rafferty, City Administrator

Brookman variance