

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005- 020

**A RESOLUTION GRANTNG A VARIANCE TO SECTION 700,
A VARIANCE TO SEPTC FROM THE ORDINARY HIGH WATER MARK**

WHEREAS, Robert Gibson, 8784 Lake Jane Trail, has applied for a variance to Section 700 of the Lake Elmo Municipal Code and Chapter 7080.0170, F. Table IV of Minnesota Rules, to construct a septic drain field approximately 65 feet from the Ordinary High Water Mark of Lake Jane where 75 feet are required.

WHEREAS, at its February 28th meeting, the Planning Commission recommended approval of the variance requested based upon the City Engineer and DNR recommendation of approval due to the minimal degree of OHW encroachment proposal, and a lack of any alternative drain field sites on the lot.

WHEREAS, at its March 1, 2005 meeting, the City Council reviewed the variance requested by Robert Gibson, 8784 Lake Jane Trail.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves a variance requested by Robert Gibson, 8784 Lake Jane Trail, to Section 700 of the Lake Elmo Municipal Code and chapter 7080.0170, F, Table IV of Minnesota Rules, to construct a septic drain field approximately 65 feet from the Ordinary High Water Mark of Lake Jane where 75 feet are required based on the following Findings:


1. The property can not be put to reasonable use without the granting of the variance requested. The physical constraints of the lot mandate the proposed site as the only location possible for a new drain field.
2. The variance requested does result from physical circumstances found on this property. While the physical constraints are not specifically unique to this property, the fact that the lot design predates present City septic and Shoreland standard is a significant factor supporting approval of the requested variance.

ADOPTED, by the Lake Elmo City Council on the 1st day of March, 2005.



Dean Johnston, Mayor

ATTEST:



Martin Rafferty, City Administrator