

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-058

A RESOLUTION APPROVING A ZONING VARIANCE FOR
JOHN HAMERLY LOCATED AT 9429 JANE ROAD NORTH

WHEREAS, John Hamerly, 9429 Jane Road North, has made application for zoning variances to allow razing an existing detached garage and replace it with a new attached garage in nearly the same location on the site.

WHEREAS, at its June 12, 2006 meeting, the Planning Commission reviewed and recommended approval of the street and side yard setback variances for construction of an attached garage at 9429 Jane Road, with the following conditions:

1. The south side yard setback of the attached garage including eaves shall not be less than the side yard setback of the existing detached garage including eaves.
2. The applicant shall install rain gutters along the entire south eave line of the new garage structure to preclude roof drainage from encroaching on the property to the south with collected roof water directed toward Jane Road.

WHEREAS, at its June 20th meeting, the Lake Elmo City Council reviewed the zoning variance to permit John Hamerly, 9429 Jane Road North, to raze an existing detached garage and replace it with a new attached garage in nearly the same location on the site, plans staff dated June 12, 2006 based on the following findings:

1. The property can not be put to reasonable use without the granting of the variances 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 in a manner that will improve the safety for motorists on Jane Road North.
2. The variance requested does result from physical circumstances unique to this property related to the elevations/drainage rated by others from reconstructed Jane Road to the existing garage; and, the extensive setback of the house/septic system location resulting in no other location alternative for a reconstructed garage.
3. Granting of the variance will not change the essential character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the street and side yard setback variances to permit John Hamerly, 9429 Jane Road North, to replace an existing detached garage with a new attached garage in nearly the same location on the site per plans staff dated June 12, 2006 and based on the conditions and recommendation of the Planning Commission.

ADOPTED BY THE Lake Elmo City Council the 20th day of June, 2006.



Dean A Johnston, Mayor

ATTEST:



Martin J. Rafferty, City Administrator
Hamerly Variance