

RESOLUTION NO. 2007-060

**RESOLUTION APPROVING LAKESHORE AND SIDE YARD SETBACK
VARIANCES TO ALLOW CONSTRUCTION OF A SECOND STORY ADDITION
FOR PAUL MENCKE AT 8838 LAKE JANE TRAIL**

WHEREAS, the City of Lake Elmo is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of Lake Elmo has adopted zoning regulations in the Municipal Code to promote orderly development and utilization of land within the city; and,

WHEREAS, Paul Mencke ("Applicant") is owner of property in Lake Elmo which is legally described as follows:

LOT 3, BLOCK 1, LAKE JANE MANOR NO. 1, WASHINGTON COUNTY, MINNESOTA

WHEREAS, the Applicant property is located within the R-1 zoning district; and,

WHEREAS, City Code requires a setback of 100 feet from the OHW for Lake Jane for all structures; and,

WHEREAS, City Code requires a setback of 10 feet from the interior side yard for all structures in the R1 zoning district; and,

WHEREAS, the Applicant's home is currently located 71-feet from the OHW of Lake Jane; and,

WHEREAS, the Applicant's home is currently located 0.1 feet from the western property line; and,

WHEREAS, the Applicant is seeking to construct a second story addition which will also be nonconforming to lakeshore and side yard setback requirements; and,

WHEREAS, the Planning Commission reviewed the request on August 27, 2007, and unanimously recommended approval of the requested variances with conditions; and,

WHEREAS, the City Council reviewed the request on September 4, 2007, and made the following findings of fact:

1. The request is reasonable as the applicant was not responsible for creating the existing nonconformities;
2. None of the existing nonconformities will be expanded as a result of the second story addition;
3. The circumstances surrounding the existing nonconformities are not generally applicable to other structures in the R1 zoning district.

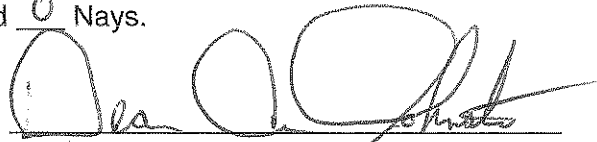
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Elmo hereby approves a 29-foot variance from the required 100-foot lakeshore setback for the proposed second story addition; and,

BE IT FURTHER RESOLVED, that the City Council of the City of Lake Elmo hereby approves a 0.1-foot variance from the required 10-foot side yard setback for the proposed second story addition; and,

BE IT FURTHER RESOLVED, that the approval of the requested variances shall include the following conditions:


1. The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any future construction or activity on the land.
2. The applicant shall comply with all septic regulations if a system upgrade is required along with the proposed improvements.
3. The variance shall expire one year from the date of resolution if not acted upon; City Council approval will be required for any subsequent extension.

This resolution was adopted by the City Council of the City of Lake Elmo on the 4th day of September 2007, by a vote of 5 Ayes and 0 Nays.



Mayor Dean Johnson

ATTEST:



Susan Hoyt
City Administrator

(SEAL)