

RESOLUTION NO. 32

RESOLUTION APPROVING A VARIANCE TO ALLOW AN OFF-SITE SEPTIC SYSTEM FOR LOT 11, BLOCK 1, RUTH'S FIRST ADDITION TO LAKE ELMO

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, Joe Bush ("Applicant") is owner of property in Lake Elmo which is legally described as follows:

LOT 11, BLOCK 1, RUTH'S FIRST ADDITION TO LAKE ELMO

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

WHEREAS, City Code requires sewage treatment systems to be located "on site;" and,

WHEREAS, the Applicant is seeking to construct an off site sewage treatment system on an adjacent parcel within a one (1) plus acre easement for the treatment system; and

WHEREAS, the Planning Commission reviewed the request on March 26th, and unanimously recommended approval of the requested variance with conditions; and,

WHEREAS, the City Council reviewed the request on April 3rd, and made the following findings of fact:


1. The property in question is a lot of record and is therefore eligible to be used for one single family dwelling;
2. The requested variance is reasonable provided the off-site septic location will satisfactorily meet environmental standards for such systems.
3. The situation is unique in that code recognizes the subject parcel as buildable even though an on-site septic system could never be designed to meet the one (1) acre on-site code requirement.
4. The character of the City and neighborhood will not be impacted by an off-site septic system.
5. The applicant was not responsible for the constraints on the property which prevent placement of an on-site septic system which meets code requirements.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Elmo hereby approves a variance to allow construction of an off site sewage treatment system on an adjacent parcel within a one (1) plus acre easement for the treatment system; and,

BE IT FURTHER RESOLVED, that the approval of the requested variance 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 agree to any easements or agreements as required by the City Attorney necessary for the crossing of public right-of-way for the off site septic system.
3. The applicant shall agree to any conditions required by the City Engineer relating to the proposed septic design, area, and construction.
4. The applicant shall hook up to the municipal sewer system once it becomes available if mandated to do so by the City.
5. The lowest floor elevation for any future new home shall be at or above Elevation 893.0.
6. A permanent buffer strip at least 35-feet wide, measured perpendicular to the Ordinary High Water level (Elevation 885.6) and extending 35 feet inland, shall be established.
7. For the future home, a mowed access and shoreline is allowed but shall not exceed 30 feet in width. Access paths shall not be located where concentrated runoff will flow to the lake.
8. Temporary and permanent erosion controls must be installed in conjunction with future activity per the direction of the City Engineer.
9. The variance shall expire one year from the date of resolution; 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 16th day of April 2007, by a vote of 5 Ayes and 0 Nays.



Mayor Dean Johnson

ATTEST:



Susan Hoyt
City Administrator

(SEAL)