



City of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 2217

**A RESOLUTION GRANTING
A VARIANCE TO
MUNICIPAL ZONING CODE
SECTION 10.22, SUBDIVISION 1 & 2
AND SECTION 10.24, SUBDIVISION 5 (B)
FILE #1157**

WHEREAS, Walter F. Krake (hereinafter "the applicant") is the owner of the property located at 1380 Rest Point Road within the City of Orono (hereinafter "City") and legally described as follows:

Lot 6 and the Westerly 40 feet of Lot 7, Subdivision of Lot 14, Rest Point Park, Hennepin County, Minnesota, (hereinafter "the property"); and

WHEREAS, the applicant has applied to the City for a variance to Municipal Zoning Code Section 10.24, Subdivision 5 (B) and Section 10.22, Subdivisions 1 and 2 to permit the construction of a room and attached garage addition which will result in 38.8% hardcover in the 75-250' lakeshore setback zone where only 25% hardcover is normally allowed, and resulting in a street setback of 28' where a 35' street setback is normally required, and resulting in an encroachment of 4' into the average lakeshore setback zone where no encroachment is normally allowed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Orono, Minnesota:

FINDINGS

1. This application was reviewed as Zoning File #1157.
2. The property is located in the LR-1B Single Family Lakeshore Residential Zoning District.
3. The Orono Planning Commission reviewed this application on June 15, 1987, and upon applicant's revision of the hardcover proposal from 48.6% down to 38.8%, voted 3-3 on a motion to recommend approval of 38.8% hardcover and the street setback and average lakeshore setback variances as proposed.
4. The encroachment of 4' into the average lakeshore setback zone will result in a 3 degree view reduction to the property to the east. However, due to the existing topography, screening, and proposed privacy fence, the 4' encroachment has little or no effect on the lake views enjoyed by the neighboring properties.
5. The street setback of 28' where 35' is required, results from the extension of the existing front line of the house which is already 26.4' from the street. This setback will still allow for auto backup and parking area within the property boundaries.



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6. Applicant has revised his proposal downward from the 48.6% 75-250' hardcover originally proposed to the 38.8% level.

7. The City Council has considered this application including the findings and recommendations of the Planning Commission, reports by City staff, comments by the applicant and the effect of the proposed variance on the health, safety and welfare of the community.

8. The City Council finds that the conditions existing on this property are peculiar to it and do not apply generally to other property in this zoning district; that granting the variance would not adversely affect traffic conditions, light, air nor pose a fire hazard or other danger to neighboring property; would not merely serve as a convenience to the applicant, but is necessary to alleviate a demonstrable hardship or difficulty; is necessary to preserve a substantial property right of the applicant; and would be in keeping with the spirit and intent of the Zoning Code and Comprehensive Plan of the City.

CONCLUSIONS, ORDER AND CONDITIONS

Based upon the above findings, the Orono City Council hereby grants a variance to Municipal Zoning Code Section 10.22, Subdivision 2 to allow construction of a room and attached garage addition that will increase hardcover in the 75-250' lakeshore setback zone to 38.8% where only 25% hardcover is normally allowed, and a variance to Section 10.22, Subdivision 1 to allow an encroachment of 4' into the average lakeshore setback zone where no encroachment is normally allowed, and a variance to Section 10.24, Subdivision 5 (B) to permit a setback of 28' from the street lot line where a 35' street setback is required, subject to the following conditions:

1. Prior to construction of the proposed additions, applicant shall remove the existing 12'x20' garage.
2. Prior to final inspection of the additions, applicant shall remove areas of existing driveway gravel along the northeast property corner and this shall revert to grassed area.
3. Final allowed hardcover on the property shall be as follows in the 75-250' zone:

House/Garage/Porch/Etc.	2,833 s.f.
Parking/Driveway	810 s.f.
Landscape Areas	100 s.f.

	3,743 s.f. or 38.8%

(Per Exhibit A attached)



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4. Applicant is advised that any future proposals to increase hard-cover will not be approved, but might be approved only with concurrent removals of existing hardcover so that there is no resultant net increase in hardcover.
5. Applicant is advised that the existing storage building near the lakeshore is a non-conforming structure and is subject to the ordinances pertaining to such structures.
6. Authorities granted with this resolution run with the property not with the applicants, but are permissive only and must be exercised by application for a building permit within one year of the date of Council approval, or this variance will expire on that date (July 13, 1988).
7. Violation of or non-compliance with any of the terms and conditions of this resolution shall constitute a violation of the zoning code, shall automatically terminate any authority granted herein, and shall be punishable as a misdemeanor.
8. The undersigned applicants have read, understood and hereby agrees to the terms of this resolution and on behalf of themselves, their heirs, successors and assigns, hereby agree to the recording of this resolution in the chain of title of the property.

Adopted by the Orono City Council on this 13th day of July, 1987.

ATTEST:

Dorothy M. Hallin
Dorothy M. Hallin, City Clerk

James R. Grabek
James R. Grabek, Mayor

Property Owner(s)



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NO. 2217

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this 14th day of July, 1987
before me a Notary Public within and for said county, personally
appeared Vaughn De Lea Krake
known to me to be the person(s) described in and who executed the
foregoing instrument, and acknowledged that he (they) executed
the same as his (their) free act and deed.

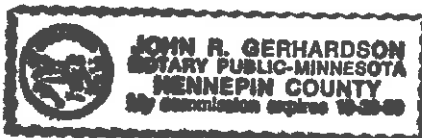


John R. Gerhardson
NOTARY PUBLIC

10/28/89
MY COMMISSION EXPIRES

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this 16 day of July, 1987, before me
a Notary Public within and for said County, personally appeared
Walter F Krake known to me to be the
person(s) described in and who executed the foregoing instrument,
and acknowledged that he (they) executed the same as his
(their) free act and deed.



John R. Gerhardson
NOTARY PUBLIC

10/28/89
MY COMMISSION EXPIRES

ROAD

