

# CITY OF TONKA BAY ITEM NO. 4B

## RESOLUTION NO. 16-06

### **A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT FOR AN ACCESSORY STRUCTURE TO ALLOW FOR THE CONSTRUCTION OF A NEW DETACHED GARAGE ON THE PROPERTY LOCATED AT 60 WILDHURST RD – PID 28.117.23.24.0044**

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

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

WHEREAS, Dan Murphy (“Applicant”) submitted an application on behalf of Dirk McMahon & Wendy McMahon (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 60 Wildhurst Road which is legally described as follows:

THAT PART OF THE S 125 FT OF LOT 12 LYING W OF THE E 140 FT THOF ALSO THAT PART OF LOT 13 DESC AS BEG AT THE NE COR THOF TH S ALONG THE E LINE OF SAID LOT 13 DIS 24 FT TH W PAR WITH THE N LINE THOF DIS 201 FT TH NWLY TO THE NW COR THOF TH E TO BEG EXCEPT THE E 140 FT OF SAID LOT 13, and THE E 140 FT OF THE S 125 FT OF LOT 12 AND THE E 140 FT OF THE N 24 FT OF LOT 13, City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners’ Property is located within the R-1A Shoreland zoning district; and

WHEREAS, the Applicants are requesting the following:

1. A conditional use permit to exceed the maximum height of 15 ft. for an accessory structure within the R-1A District.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated January 18, 2016 on the application made by the Applicants (Planning Report), analyzing the request made in relation to City Ordinance criteria and made recommendations if the requests were approved by the City Council; and

WHEREAS, the City Council reviewed the requests on January 26, 2016, and held a public hearing, following the required notices and publication; and

WHEREAS, the City received one letter in support of on the Applicant's proposal;  
and

WHEREAS, the Applicants presented to the Council reasons for their proposal;  
and

WHEREAS, the City Council, following the public hearing and deliberation on the Conditional Use Permit request to allow for the construction of a new detached accessory structure directed staff to prepare a resolution for its consideration, and having considered the application, the Planning Report, the resolution prepared by staff, makes the following findings of fact and conclusions:

1. The proposed, continued use as a single-family home is consistent with the City's Comprehensive Plan.
2. The continued use of the property as a single-family home is compatible with present uses in the area.
3. The proposed use conforms with all performance standards
4. Granting the Conditional Use Permit will not alter the essential character of the locality.
5. There is a demonstrated need for the use.
6. Granting the Conditional Use Permit will not diminish or impair established property values in the neighborhood
7. The proposed use can be accommodated with existing public service.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the Conditional Use Permit request, to allow for the construction of a new detached garage; as shown on the Plans attached hereto, as Exhibit A (the Plans); and

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

1. The Applicant shall obtain all necessary permits and approvals from the City of Tonka Bay and other applicable entities with jurisdiction prior to any construction. This includes, but shall not be limited to permits from the Minnehaha Creek Watershed District (MCWD) and the Lake Minnetonka Conservation District (LMCD).
2. The MCWD shall review and approve the final grading plans approved by the City Engineer prior to any work being authorized. Proof of MCWD approval (if needed) shall be provided to the city prior to a building permit being authorized.
3. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
4. The City Engineer shall inspect the property at the property owner's expense during the construction process to ensure on-going compliance with all engineering requirements.
5. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
6. Building of structures shall not occur within any existing or proposed easements on the property.

7. The Conditional Use Permit shall expire one year from the date of the resolution. City Council approval will be required for any subsequent extension.
8. A restrictive covenant shall be recorded with the County Recorder indicating that the detached garage shall not, at any time, be used as living quarters, temporarily or permanently.
9. Proper drainage is installed for the paint and pet shower areas to prevent runoff into City sewers.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 9<sup>th</sup> day of February, 2016.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Ayes –

Nays –

Absent –

\_\_\_\_\_  
Gerry De La Vega, Mayor

ATTEST:

\_\_\_\_\_  
Lindy Crawford, Clerk/Administrator