

RESOLUTION NO. 15-03

A RESOLUTION APPROVING VARIANCES FROM THE MINIMUM REQUIRED LOT AREA, MINIMUM REQUIRED FRONT YARD SETBACK, AND MINIMUM REQUIRED SIDE YARD SETBACK TO ALLOW FOR THE REPLACEMENT AND CONSTRUCTION OF A DECK ADDITION ON THE PROPERTY LOCATED AT 265 WEST POINT ROAD – PID 27-117-23-33-0018

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, Steve Hansen ("Applicant") submitted an application on behalf of Wendell Petersen ("Property Owner"); and

WHEREAS, the Property Owner owns the property located at 265 West Point Road which is legally described as follows:

Lots 653, 654 and that part of Lot 656 lying E of a line commencing at the SW corner of Lot 652 and running southerly on a curve to the left with a radius of 673 ft to the most westerly corner of Lot 655 also that unlotted tract lying E of Lakeview Ave and No. of the southerly line of Lot 654 extended to Lake Mtka and adj part of Lakeview Ave vac, Tonka Bay, Hennepin County, Minnesota.

WHEREAS, the Property Owner's Property is located within the R-1A with a Shoreland overlay zoning district; and

WHEREAS, the Applicants are requesting the following:

1. A 770 square foot variance from the minimum required lot area of 20,000 square feet.
2. A 28.35 foot variance from the minimum required front yard (lake side) setback of 76.35 feet.
3. A 0.2 foot variance from the minimum required side yard setback of 8 feet.

WHEREAS, Kelsey Johnson, City Planner, and Justin Messner, City Engineer, issued a report dated January 7, 2015 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 13, 2015, and held a public hearing, following the required notices and publication; and

WHEREAS, no neighbors spoke on the Applicant's proposal; and

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

WHEREAS, the City Council, following the public hearing and deliberation on the variance requests to allow for the reconstruction and small enlargement of the existing deck along the front (lakeside) portion of the existing home 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 continued use as a single-family home is consistent with the comprehensive plan.
2. Granting the variance will not impair an adequate supply of light and air to adjacent parcels.
3. Granting the variance will not unreasonably increase congestion in the public street. The continued use is a single family home which will not generate traffic volumes that would increase congestion.
4. Granting the variance will not increase the danger of fire or endanger the public safety.
5. Granting the variance will not diminish or impair established property values in the neighborhood. The proposed deck addition should increase property values in the neighborhood.
6. Granting the variance will not alter the essential character of the locality.
7. The size of the parcel was not created by the current owners. This circumstance is unique to the property.
8. The variance request is in harmony with the general intent of the Ordinance. The Ordinance permits single-family homes that meet 60 percent of the district's requirements. Overcrowding of homes will not occur.
9. The variance request is in harmony with the general intent of the Ordinance. The Ordinance requires the property owner to treat water runoff due to the fact that there is more than 25 percent impervious surface on the lot. The property owner will be required to treat water runoff.
10. The variance request is in harmony with the general intent of the Ordinance. The proposed deck addition will not conflict the ordinance intent in any way.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance requests, to allow for the reconstruction and small addition to the existing deck; as shown on the Plans attached hereto, as Exhibit A (the Plans); and

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

1. The Applicant shall submit a stormwater management plan acceptable to the City Engineer, and include a maintenance agreement for such plan, and that no building permit will be issued until this condition is met;
2. The Applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction.
3. The MCWD shall review and approve the final grading plans prior to any work being authorized (which may require an erosion control permit). Proof of MCWD approval shall be provided to the city prior to a building permit being authorized.
4. Silt fencing shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
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 City Engineer will verify and approve ingress and egress areas for City access to the stormwater treatment areas/system prior to issuing a building permit.
8. 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.
9. The variance shall expire one year from the date of resolution; City Council approval will be required for any subsequent extension.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 13th day of January, 2015.

Motion introduced by Anderson and seconded by Clapp.

Roll call vote:

Ayes –	Anderson, Ansari, Clapp, De La Vega and Grothe
Nays –	None
Absent –	None

Gerry De La Vega, Mayor

ATTEST:

Joseph Kohlmann, Clerk/Administrator