

**RESOLUTION NO. 14-19**

**A RESOLUTION APPROVING VARIANCES FROM THE MINIMUM REQUIRED SIDE YARD  
SETBACK, MINIMUM REQUIRED FRONT YARD SETBACK, AND A CONDITIONAL USE  
PERMIT TO INCREASE THE OVERALL BUILDING HEIGHT TO ALLOW FOR THE  
CONSTRUCTION OF A NEW DETACHED GARAGE  
TERRY BRENNAN AND SUE BRENNAN  
35 INTERLACHEN LANE**

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, Terry Brennan and Sue Brennan ("Applicants" and "Property Owners") submitted an application; and

WHEREAS, the Property Owners own the property located at 35 Interlachen Lane which is legally described as follows:

That part of Government Lot 3 lying south of the south line of Interlachen Avenue as platted in the plat of INTERLACHEN and lying west of a line 10 feet east of and parallel with the southerly extension of the west line of Lot 12 and lying east of the southerly extension of the west line of Lot 14 in said INTERLACHEN and lying north of a line described as beginning at a point 200 feet south along the southerly extension of east line of Lot 12 as measured from the southeast corner of Lot 12; thence west parallel with said south line 50 feet; thence southwesterly to the most easterly corner of Lot 50 INTERLACHEN.

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

WHEREAS, the Applicants are requesting the following:

1. A 2 foot variance from the minimum required side yard setback of 8 feet resulting in a 6 foot side yard setback.
2. A 22 foot variance from the minimum required front yard setback of 50 feet resulting in a 28 foot front yard setback.
3. A conditional use permit to allow the detached garage to be 2.5' above the maximum height allowance of 15' for a total height of 17.5'.

WHEREAS, Kelsey Johnson, City Planner, and Justin Messner, City Engineer, issued a report dated May 27, 2014 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 June 24, 2014, and held a public hearing, following the required notices and publication; and

WHEREAS, neighbors spoke 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 variance and conditional use permit requests to allow for the construction of a new detached garage 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 use as a single-family home will not change with the addition of a detached garage structure and is consistent with the City's comprehensive plan.
2. The proposed detached garage is a permitted accessory use associated with a single-family dwelling and is compatible with present and future land uses of the area.
3. Granting the requested variances and conditional use permit will not impair an adequate supply of light and air to adjacent parcels.
4. Granting the requested variances and conditional use permit will not increase congestion in the public street. The use of the property as a single family home will stay the same and not increase congestion.
5. Granting the requested variances and conditional use permit will not increase the danger of fire or endanger the public safety.
6. Granting the requested variances and conditional use permit will not diminish or impair established property values in the neighborhood.
7. Granting the conditional use permit will not alter the essential character of the locality.
8. The continued use of the property as a single-family home with the addition of a detached garage is a reasonable use of the property. It is how the property is zoned and it is how the property has been used in the past.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance and conditional use permit requests, 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 permit, 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.
2. Building of structures shall not occur within any existing or proposed easements on the property.
3. The same or similar quality exterior materials shall be used in the accessory building as used in the principal building to the maximum extent possible.
4. The variances and conditional use permit shall expire one year from the date of the resolution. City Council approval will be required for any subsequent extension.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 24<sup>th</sup> day of June, 2014.

