

# CITY OF TONKA BAY ITEM NO. 4B

## RESOLUTION NO. 15-04

**A RESOLUTION APPROVING VARIANCES FROM THE MINIMUM REQUIRED LOT AREA, MINIMUM REQUIRED LOT WIDTH, MINIMUM REQUIRED REAR YARD SETBACK FOR THE ACCESSORY STRUCTURE, MAXIMUM ALLOWABLE DRIVEWAY GRADE ELEVATION OF A PARKING AREA, AND FROM THE REQUIRED 15-FOOT FLOODPLAIN BUFFER AROUND ALL EXTENDED STRUCTURES TO ALLOW FOR THE CONSTRUCTION OF A NEW DETACHED GARAGE ON THE PROPERTY LOCATED AT 55 WEST POINT AVENUE PID 27-117-23-32-0015**

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, West Point II, LLC ("Applicant") submitted an application on behalf of Mark Briol, West Point II, LLC ("Property Owner"); and

WHEREAS, the Property Owner owns the property located at 55 West Point Avenue which is legally described as follows:

SWLY 25 FT OF LOT 8 AND NELY 25 FT OF LOT 9, West Point, Village 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 **12,510 square foot variance from the minimum lot area** requirement to allow for the construction of a new garage on a lot that is 7,490 square feet in area;
2. A **variance of 26 feet from the required 75 foot lot width** to allow for the construction of a new garage on a lot that is 49 feet wide;
3. A **variance of 8.8 feet from the required 25 foot rear yard setback** to allow for the construction of a detached garage 16.2 feet from the rear (street side) property line;
4. A **variance from the required 15 foot flood plain buffer** around all extended structures.
5. A **variance of 5% from the maximum allowable grade elevation of a parking area** to allow a driveway slope of 10%.

WHEREAS, Kelsey Johnson, City Planner, and Justin Messner, City Engineer, issued a report dated February 4, 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 February 10, 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 Council reasons for their proposal; and

WHEREAS, the City Council, following the public hearing and deliberation on the variance 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 and is consistent with the City's Comprehensive Plan.
2. Granting the requested variances will not impair an adequate supply of light and air to adjacent parcels.
3. Granting the variances 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.
4. Granting the variances will not increase the danger of fire or endanger the public safety.
5. Granting the variances will not diminish or impair established property values in the neighborhood.
6. Granting the variances will not alter the essential character of the locality.
7. The continued use of the property as a single-family home is a reasonable use of the property. A detached garage is a reasonable accessory use to a single-family home. It is how the property is zoned and it is how the property has been used in the past.
8. The location of the detached garage is an improvement over the existing nonconforming setback conditions by meeting the required side yard setbacks.
9. The variance requests are in harmony with the general intent of the ordinance.
10. The landowners do not own all property within 15' of the proposed home.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance 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 shall include the following conditions:

1. The maximum driveway grade/slope shall not exceed 10%.
2. 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).

3. 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.
4. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
5. 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.
6. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
7. Building of structures shall not occur within any existing or proposed easements on the property.
8. The variances 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 day of \_\_\_\_\_, 2015.

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

Roll call vote:

Ayes –

Nays –

Absent –

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

ATTEST:

\_\_\_\_\_  
Joseph Kohlmann, Clerk/Administrator