

**CITY OF TONKA BAY  
ITEM NO. 4B**

**RESOLUTION NO. 14-06**

**A RESOLUTION APPROVING VARIANCES FROM THE MINIMUM REQUIRED LOT AREA, MINIMUM LOT WIDTH, MINIMUM REQUIRED REAR YARD SETBACK, MINIMUM REQUIRED FRONT YARD SETBACK, AND A CONDITIONAL USE PERMIT FOR AN ALLOWANCE FROM THE MINIMUM REQUIRED FRONT YARD SETBACK TO ALLOW FOR A PARTIAL SECOND STORY ADDITION  
JAMES KONERZA AND ELIZABETH KONERZA  
140 BRENTWOOD AVENUE**

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, James Konerza and Elizabeth Konerza ("Applicants") own the property located at 140 Brentwood Avenue which is legally described as follows:

Lot 014, BRENTWOOD

WHEREAS, the Applicants' Property is located within the R-1B zoning district; and

WHEREAS, the Applicants are requesting the following:

1. A 6,808 square foot variance to the minimum required lot area of 15,000 square feet resulting in a lot area of 8,192 square feet.
2. A 17 foot variance to the minimum required lot width of 65 feet resulting in a lot width of 48 feet.
3. A 19.1 foot variance from the minimum required rear yard setback of 20 feet resulting in a 0.9 roof overhang setback (2.6 feet from the building wall).
4. A 25.8 foot variance from the minimum required front yard setback (from Florence Drive) of 40 feet resulting in a 14.2 foot roof overhang setback (16.2 feet from the building wall).
5. A conditional use permit (CUP) for a 17.4 foot allowance from the minimum required front yard setback (from Brentwood Avenue) of 40 feet resulting in a 22.6 roof overhang setback (24.3 feet from the building wall).

WHEREAS, Kelsey Johnson, City Planner, and Justin Messner, City Engineer, issued a report dated March 20, 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 March 25, 2014, and held a public hearing, following the required notices and publication; and

WHEREAS, neighbors spoke on the Applicants' 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 partial second story addition 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 variances and conditional use permit will not impair an adequate supply of light and air to adjacent parcels. The height of the home does not exceed Code requirements.
3. Granting the variances and conditional use permit will not unreasonably increase congestion in the public street. The proposed use is a single family home which will not generate traffic volumes that would increase congestion.
4. Granting the variances and conditional use permit will not increase the danger of fire or endanger the public safety.
5. Granting the variances and conditional use permit will not diminish or impair established property values in the neighborhood. Constructing the small second story addition should increase property values in the neighborhood.
6. Granting the variances and conditional use permit will not alter the essential character of the locality. The proposed addition to the home will fit in with other homes in the neighborhood.
7. The continued use as a single-family home is a reasonable use for the property. It is how the property is zoned and it is how the property has been used in the past.
8. The existing lot of record is narrow and, therefore, compliance with the requirements of the City Code gives an impractical depth to a structure or building resulting in the need for a conditional use permit.
9. The variance and conditional use permit requests are in harmony with the general intent of the ordinance. The ordinance permits single-family homes. Overcrowding of homes will not occur.
10. The practical difficulties associated with the site are caused by the Ordinance and have not been created by any persons presently having an interest in the parcel of land.

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 partial second story addition; 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. Construction shall follow the survey and plans as submitted or as required to be updated by the City.
3. Building of structures shall not occur within any existing or proposed easements on the property.
4. The variances shall expire one year from the date of the resolution. City Council approval will be required for any subsequent extension.
5. The Applicant shall install a gutter system along the north roof elevation with a fin system made of metal material to match the proposed roof material.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 25<sup>th</sup> day of March, 2014.

Motion introduced by Anderson and seconded by Grothe.

Roll call vote:

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

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Gerry De La Vega, Mayor

ATTEST:

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Joseph Kohlmann, Clerk/Administrator