

ITEM NO. 4B

RESOLUTION NO. 16-62

A RESOLUTION APPROVING VARIANCES IN LOT AREA, FRONT SETBACK AND REAR YARD SETBACK TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY HOME ON THE PROPERTY LOCATED AT 85 LAKEVIEW AVE. – PID 22.117.23.24.0093

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, David Peterson & Christine Loberg (“Applicant” and “Owner”) submitted an application; and

WHEREAS, the Property Owner owns the property located at 85 Lakeview Ave. which is legally described as follows:

Block 001 of Tonka Heights Addition, that part lying easterly of a line parallel with and distance 100 feet easterly at right angles from westerly line thereof, City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners’ Property is located within the R1-B Single Family Residential, Shoreland Overlay zoning district; and

WHEREAS, the Applicants are requesting the following:

1. Variance of 1,129 square feet from the required minimum lot size; 13,871 square feet proposed where 15,000 square feet is required.
2. Variance of 18 feet from the required minimum front yard setback; 32 feet is proposed where 50 feet is required to accommodate a future deck.
3. Variance of 12.7 feet from the required minimum rear yard setback; 12.3 feet is proposed where 20 feet is required.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated October 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 October 25, 2016, and held a public hearing, following the required notices and publication; and

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

WHEREAS, one resident raised questions, one resident spoke in opposition and one spoke in favor of the requests and during the public hearing; and

WHEREAS, the City Council, following the public hearing and deliberation on the variance requests to allow for the construction of a new single-family 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 variances are in harmony with the general purpose and intent of the Ordinance.
2. The proposed use of the property as a single-family home is consistent with the City's Comprehensive Plan.
3. The property owner's proposed single family residence is a reasonable use of the property to justify the variance requests.
4. Unique circumstances on the property including lot size and width were not created by the landowner.
5. The variances will not alter the essential character of the locality.
6. The variances will not impair the adequate supply of light and air to adjacent property.
7. The variances will not increase the danger of fire or endanger public safety.
8. The variances will not diminish established property values in the area.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance requests for lot area, lot width and rear setback as requested as shown on the Plans attached hereto, as Exhibit A (the Plans); and

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 9th day of November, 2016.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –

Nays –

Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator

