

RESOLUTION NO. 14-04

**A RESOLUTION APPROVING A VARIANCE FROM THE REQUIRED LOT SIZE AND
SIDE YARD SETBACK FOR A SECOND STORY ADDITION
MICHAEL SCHULTZ
4330 MANITOU ROAD**

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, Michael Schultz ("Applicant") owns the property located at 4330 Manitou Road which is legally described as follows:

Lot 51 and 52, INTERLACHEN, according to the recorded plat thereof, Hennepin County, Minnesota

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

WHEREAS, the Applicants are requesting the following:

1. A variance of 1,734 square feet from the required 20,000 square foot lot size.
2. A 5.7 foot variance from the required 12-foot interior side yard setback for the addition of a second story with a 2-foot roof overhang located 6.3 feet from the interior side property line.

WHEREAS, Brianne Rothstein, City Planner, and Justin Messner, City Engineer, issued a report dated February 11, 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 February 11, 2014, and held a public hearing, following the required notices and publication; and

WHEREAS, there were no public comments made 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 variances variance of 1,734 square feet from the required 20,000 square foot lot size and a 5.7 foot variance from the required 12-foot interior side yard setback for the addition of a second story with a 2-foot roof overhang located 6.3 feet from the interior side property line 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:

- a. The proposed use as a single-family home is consistent with the Comprehensive Plan.
- b. The proposed use as a single-family home is a reasonable use for the property, it is how the property is zoned and it how the property is currently being used.
- c. The existing location of the home was not created by the property owners, and is a circumstance unique to the property.
- d. The granting of the variance requests are in harmony with the general intent of the ordinance.
- e. Granting the variances will not impair an adequate supply of light and air to adjacent properties.
- f. Granting the variances will not increase congestion in the public street. The use of the property as a single family will stay the same and not increase congestion.
- g. Granting the variances will not diminish or impair established property values in the neighborhood.
- h. The proposed second story addition will fit into the existing character of the neighborhood and will be completed in such a manner as to minimize impacts from property lines and adjacent properties.
- i. Engineering has reviewed the proposed improvements and does not find reason to believe the proposed improvements would pose a threat to public safety or cause drainage issues.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variances to allow for a second story home addition; as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that the approval of the requested conditional use permit amendment, conditional use permit and variances 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. Silt fencing shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.

4. 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 11th day of February, 2014.

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