

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

RESOLUTION NO. 14-20

**A RESOLUTION APPROVING VARIANCES FROM THE MINIMUM REQUIRED FRONT
YARD SETBACK, MINIMUM REQUIRED SIDE YARD SETBACK, MINIMUM REQUIRED
REAR YARD SETBACK, REQUIRED 15-FOOT FLOOD PLAIN BUFFER
AROUND ALL EXTENDED STRUCTURES,
AND MAXIMUM ALLOWABLE DRIVEWAY SLOPE
TO ALLOW FOR THE CONSTRUCTION OF AN ADDITION TO THE EXISTING HOME
DONALD L. BIERBAUM AND DEBORAH L. BIERBAUM
195 WOODPECKER RIDGE 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, Donald L. Bierbaum and Deborah L. Bierbaum ("Applicants" and "Property Owners") submitted an application; and

WHEREAS, the Property Owners own the property located at 195 Woodpecker Ridge Road which is legally described as follows:

Lots 5 and 6 Auditor's Subdivision No. 274, Hennepin County, Minnesota.

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

WHEREAS, the Applicants are requesting the following:

1. A variance of 11.5 feet from the required 66.5 foot front yard (lakeside) setback;
2. A variance of 3 feet from the required 12 foot side yard setback;
3. A variance of 11.6 feet from the required 37.5 foot rear yard (street side) setback;
4. A variance of 15 feet from the required 15-foot floodplain elevation buffer; and
5. A variance of 4.65% from the maximum allowable driveway slope of 5%.

WHEREAS, Kelsey Johnson, City Planner, and Justin Messner, City Engineer, issued a report dated June 24, 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 22, 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 requests to allow for the construction of an addition to the existing 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 proposed use as a single-family home will not change and is consistent with the 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. Homes adjacent to the property in question have similar setbacks thus, the property as proposed will not alter the character of its locality.
7. The variance requests are in harmony with the general intent of the ordinance and will not lead to an overcrowding of homes.

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 an addition to the existing home; 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 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).
2. 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.
3. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
4. The applicant shall work with the City Engineer on a plan to treat stormwater on site. Plans for this treatment will be subject to review and approval by the City Engineer prior to issuance of a building permit.
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. 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 24TH day of June, 2014.

Motion introduced by Anderson and seconded by Grothe.

Roll call vote:

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

Gerry De La Vega, Mayor

ATTEST:

Joseph Kohlmann, Clerk/Administrator