

**RESOLUTION NO. 14-28**

**A RESOLUTION APPROVING VARIANCES TO ALLOW FOR THE  
CONSTRUCTION OF A DETACHED GARAGE BUILDING IN THE FRONT  
YARD OF THE PROPERTY  
FOR JOHN MAAKESTAD AND BEVERLY TURBIN  
AT 42 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, John Maakestad and Beverly Turbin ("Applicants") own 42 Woodpecker Ridge Road which is legally described as follows:

Tract D, Registered Land Survey No. 1154, Hennepin County, Minnesota

WHEREAS, the Applicants' Property is located within the R-2A zoning district; and

WHEREAS, the Applicants are requesting the following variance:

1. A variance to allow for the construction of a detached garage in the front yard of the property.
2. A 33.02 foot variance to allow for the construction of a detached garage 16.98 feet from the front lot line where a 50 foot setback is required.
3. A 14.6 percent variance to allow for the construction of a detached garage that exceeds the maximum allowable percentage of gross floor area of the principal building of 30 percent.

WHEREAS, Kelsey Johnson, City Planner, issued a report dated August 15, 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 variance requests on September 9, 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 to allow for the construction of a detached garage building in the front yard of the property 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 two-dwelling 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 two-dwelling family home will stay the same and not increase congestion.
4. Topographic and site conditions prevent the property owners from constructing a detached garage building in a location that would meet the provisions of the zoning ordinance.
5. Granting the variances will not increase the danger of fire or endanger the public safety.
6. Granting the variances will not diminish or impair established property values in the neighborhood.
7. Granting the variances will not alter the essential character of the locality.
8. The request for a detached garage building is reasonable given the principal use of the property as a two-dwelling family home.
9. 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 to allow for the construction of a detached garage in the front yard of the property; 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 permits 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. The same or similar quality exterior materials shall be used in the accessory building as used in the principal building to the maximum extent possible.
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. Building of the detached garage building shall not occur within any existing easements on the property.
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 9<sup>th</sup> day of September, 2014.

Motion introduced by Anderson and seconded by Grothe.

Roll call vote:

Ayes –	Anderson, Ansari, De La Vega, 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

