

RESOLUTION NO. 15-14

A RESOLUTION APPROVING A VARIANCE FROM THE MINIMUM REQUIRED FRONT YARD SETBACK, A VARIANCE FROM THE MINIMUM REQUIRED SIDE YARD SETBACK AND A VARIANCE FOR A THE EXPANSION OF A NON-CONFORMING STRUCTURE TO ALLOW FOR THE CONSTRUCTION OF A DECK ON THE PROPERTY LOCATED AT 165 WOODPECKER RIDGE RD – PID 28.117.23.42-0014

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, Matthew Pfohl and Melinda Pfohl (“Applicant” and “Property Owner”) submitted an application; and

WHEREAS, the Property Owner owns the property located at 165 Woodpecker Ridge Rd. which is legally described as follows:

AUDITOR'S SUBD. NO. 274, LOT 002, Village of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

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

WHEREAS, the Applicants are requesting the following:

1. A **0.4 foot side setback variance** to allow the proposed deck to be constructed 7.6 feet from the side (south) property line;
2. A **1.1 foot front setback variance** to allow the proposed deck to be constructed 62.9 feet from the front property line;
3. A **variance for the expansion of a non-conforming structure** to allow the deck to be constructed on a home that sits 0.2 feet from the side (north) property line.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated August 10, 2015 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 August 11, 2015, and held a public hearing, following the required notices and publication; and

WHEREAS, no 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 a new detached garage 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 City's 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.
7. The continued use of the property as a single-family home is a reasonable use of the property. The proposed deck is a reasonable accessory use for a single-family lake front home.
8. The variance requests are in harmony with the general intent of the ordinance.

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 a deck as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that the approval of the requested variance 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. This includes, but shall not be limited to permits from the Minnehaha Creek Watershed District (MCWD) and the Lake Minnetonka Conservation District (LMCD).
2. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
3. 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.
4. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
5. Building of structures shall not occur within any existing or proposed easements on the property.
6. The variance 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 August, 2015.

Motion introduced by Anderson and seconded by Grothe.

Roll call vote:

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

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator