

RESOLUTION NO. 16-15

A RESOLUTION DENYING A VARIANCE TO ALLOW FOR THE CONSTRUCTION OF AN ELECTRONIC GATE AT THE ENTRANCE TO THE PROPERTY LOCATED AT 275 LAKEVIEW AVE – PID 27.117.23.31.0003

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, Ben Dunlap (“Applicant”) has submitted an application on behalf of Laura Berghoff (“Owner”); and

WHEREAS, the Property Owner owns the property located at 275 Lakeview Ave. which is legally described as follows:

TRACTS A & B, REGISTERED LAND SURVEY NO. 0064 HENNEPIN COUNTY, MINNESOTA, City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

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

WHEREAS, the Applicants are requesting the following:

1. **A variance** to allow for an electronic entrance gate.

WHEREAS, Erin Perdu, City Planner, and Lindy Crawford, City Administrator, issued a report dated April 26, 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 April 26, 2016, and held a public hearing, following the required notices and publication; and

WHEREAS, the City did not receive any public comment at that meeting; 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 request to allow for the construction of an electronic entrance gate 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 request will not negatively impact the health, safety or general welfare of the community.

2. The proposed, continued use as a single-family home is consistent with the City's Comprehensive Plan.
3. The Applicant has not shown any practical difficulties in complying with the Ordinance. Further, a variance is not warranted because:
 - a. The use of the property as a single-family residence with reasonable privacy can take place without an electronic gate across the street side of the property.
 - b. There are no unique circumstances on the property justifying the need for an electronic gate.
 - c. The proposed gate is a significant departure from the character of the single family residences in the neighborhood and the City as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby denies the variance request to allow for the construction of an electronic entrance gate; 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 10th day of May, 2016.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –

Nays –

Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator