

ITEM NO. 4C

RESOLUTION NO. 16-33

A RESOLUTION APPROVING VARIANCES IN LOT AREA, LOT WIDTH, AND REAR SETBACK TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY HOME ON THE PROPERTY LOCATED AT 35 WEST POINT AVE. – PID 22.117.23.32.0017

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, Ann Jennings (“Applicant” and “Owner”) submitted an application; and

WHEREAS, the Property Owner owns the property located at 35 West Point Ave. which is legally described as follows:

LOT 010 OF WEST POINT ADDITION,
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, Shoreland Overlay zoning district; and

WHEREAS, the Applicants are requesting the following:

1. Variance from the required minimum lot size; 12,961 square feet proposed where 20,000 square feet is required.
2. Variance from the required minimum lot width; 63 feet at building line is proposed where 75 feet is required.
3. Variance from the required minimum rear yard setback; 16 feet is proposed where 25 feet is required.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated September 7, 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 September 13, 2016, and held a public hearing, following the required notices and publication; and

WHEREAS, the Applicants presented to the Council reasons for their proposal; and

WHEREAS, one resident spoke in favor of the requests during the public hearing;
and

WHEREAS, the City Council, following the public hearing and deliberation on the variance requests to allow for the construction of a new single-family 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 variances are in harmony with the general purpose and intent of the Ordinance.
2. The proposed use of the property as a single-family home is consistent with the City's Comprehensive Plan.
3. The property owner's proposed three-car garage is a reasonable use of the property to justify a rear setback variance.
4. Unique circumstances on the property including lot size and width were not created by the landowner.
5. The lot depth is a unique circumstance to the property that requires a rear setback variance to accommodate a reasonably sized garage on the property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance requests for lot area, lot width and rear setback as requested 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. 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. 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 27th day of September, 2016.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –
Nays –
Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator

Surveyor's Certificate & Shoreland Impact Plan

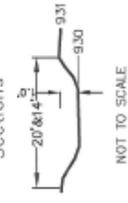
SURVEY FOR
DESCRIBED AS : Ann Jennings
 : Lot 10, WEST POINT, Village of Toroka Bay, Hennepin County,
 Minnesota, and reserving easements of record.

LOT AREA = 12,961 SF. (15,000 SF REQ'D)
 HARDCOVER
 .25 = 3,240.25 SF ALLOWED
 .35 = 4,536.35 SF STAFF ENGR.
 .45 = 5,832.45 SF W/COUNCIL APPROVAL
 EXISTING = 6,232 SF = 48.1%

LOT STRUCTURAL COVERAGE
 12,961 x .3 = 3,888.3 SF ABV GRADE ALLOWED

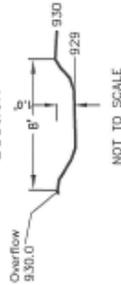
LOT WIDTH BACK 94' > AVERAGE 45'
 LAKE 49' > AVERAGE 45'
 REQUIRED = 75'
 @ BUILDING LINE 63'

West Rain Garden Sections



Rain Garden Specs:
 Soil: 1. Bulk of .30% Compact
 Class 2 / 70% Construction Sand
 Bottom and Side Slopes:
 For Sedges (Carex Mosaicum) 2.5H x 1.5W
 For Prairie Cordgrass (Cortaderia Matrella) 2H x 1.5W
 Top Edge:
 Wild Geranium (Geranium Mollis) 2H x 1.5W
 2' Plant Spacing in the Rain Garden w/
 Requires about 264 plants.

East Rain Garden Section

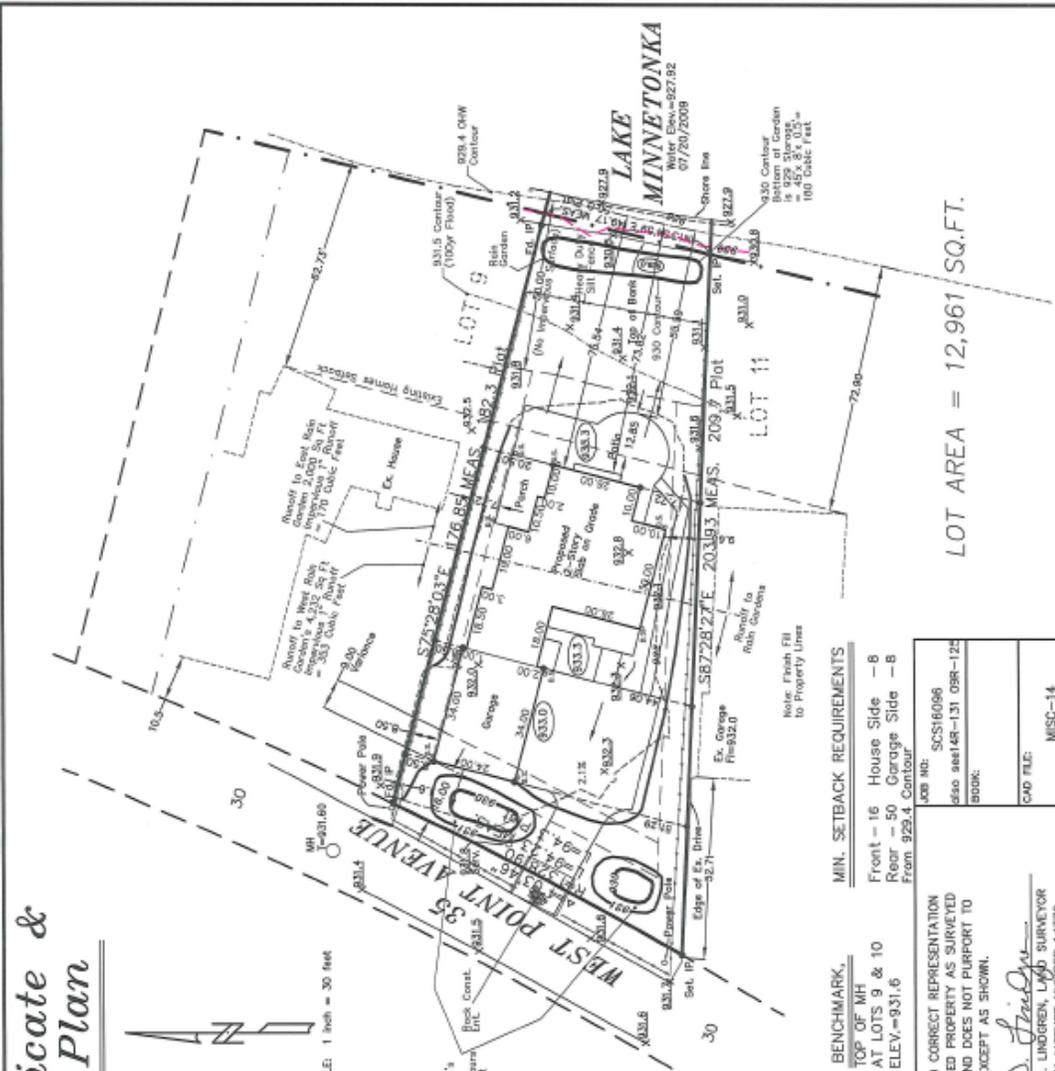


PROPOSED ELEVATIONS
 Top of Block/Lowest Floor = 834.0
 Garage Floor = 833.5
 Basement Floor = Verify
 Approx. Sewer Service = Verify
 Proposed Elev. =
 Existing Elev. =
 Drainage Directions =
 Denotes Offset Stake =

LANDFORM

from S16 to finish
 505 S 27th Ave.
 Minneapolis, MN 55405
 Phone: (612) 222-8000

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF THE BOUNDARIES OF THE ABOVE DESCRIBED PROPERTY AS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND DOES NOT PURPORT TO SHOW IMPROVEMENTS OR ENCROACHMENTS, EXCEPT AS SHOWN.
 DATE: 8-23-16
 Jeffrey D. Lindgren, L.S.D.
 MINNESOTA LICENSE NUMBER 14376



LOT AREA = 12,961 SQ.FT.

MIN. SETBACK REQUIREMENTS
 Front - 16 House Side - 8
 Rear - 50 Garage Side - 8
 From 929.4 Contour

BENCHMARK,
 TOP OF MH
 AT LOTS 9 & 10
 ELEV. = 931.6

Job No: SC5160096
 also see 148-131 08R-12E
 BOOK:
 CAD FILE: MISC-14

Note: Finish FFI to Property Lines
 Ex. Garage Fin = 932.0
 Note: Finish FFI to Property Lines

9.30 Contour
 Note: Finish FFI to Property Lines
 = 45' x 8' x 0.5' = 180 Cubic Feet

9.30 Contour
 Note: Finish FFI to Property Lines
 = 45' x 8' x 0.5' = 180 Cubic Feet

Water Elev. = 827.92
 07/20/2008