

**RESOLUTION NO. 12-27**

**A RESOLUTION APPROVING VARIANCES FROM THE MINIMUM LOT AREA  
FOR M MITCHELL DAVIS AND LAURIE A DAVIS  
AT 415 LAKEVIEW AVENUE**

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, M. Mitchell Davis and Laurie A. Davis ("Applicants") own 415 Lakeview Avenue which is legally described as follows:

Lot 52 And That Part Of Lot 51 Lying East Of The West 1.00 Feet Thereof Including All of Adjacent Vacated Minnekamin Avenue Subject to Street; PID #27-117-23-32-0025, formerly known as 415 Lakeview Avenue; and

WHEREAS, the Applicants' Property is located within the R-1A zoning district; and

WHEREAS, the Applicants are requesting a 4,424- square foot variance from the required 20,000 square foot lot size in order to increase impervious surface on a non-conforming single lot of record within the shoreland area; and

WHEREAS, Jack Corkle, Interim City Planner, issued a report dated September 11, 2012 on the applications made by the Applicants (Planning Report), analyzing the request made in relation to City Ordinance criteria and found that the requests met 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 11, 2012, and held a public hearing, following the required notices and publication; and

WHEREAS, no comments were received on the Applicant's proposal; and

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

WHEREAS, the City Council, following the public hearing and deliberation on the variance to lot area in order to increase impervious surface on a non-conforming single lot of record within the shoreland area, 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:

- a. The continued use as a single-family home is consistent with the comprehensive plan.
- b. Granting the variances will not impair an adequate supply of light and air to adjacent parcels.
- c. Granting the variances will not unreasonably increase congestion in the public street. The continued use is a single family home which will not generate traffic volumes that would increase congestion.
- d. Granting the variances will not increase the danger of fire or endanger the public safety.
- e. Granting the variances will not diminish or impair established property values in the neighborhood. The proposed addition should increase property values in the neighborhood.
- f. Granting the variances will not alter the essential character of the locality.
- g. The topography of the site and the size of the parcel were not created by the current owners. These are circumstances unique to the property.
- h. The variance requests are in harmony with the general intent of the Ordinance. The Ordinance permits single-family homes that meet 60 percent of the district's requirements. Overcrowding of homes will not occur.
- i. The variance request is in harmony with the general intent of the Ordinance. The proposed addition will bring the home into compliance with required setbacks.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves variances from the minimum lot area requirements, 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 submit a stormwater management plan acceptable to the City Engineer, and include a maintenance agreement for such plan, and that no building permit will be issued until this condition is met.
2. The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction.
3. The MCWD shall review and approve the final grading plans prior to any work being authorized (which may require an erosion control permit). Proof of the MCWD approval shall be provided to the city prior to a building permit being authorized.

4. Silt fencing shall be shown on the building permit plans and shall be subject to review the approval by the City Engineer.
5. A sump pump inspection must be completed by the City of Tonka Bay prior to C.O. being issued.
6. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
7. Building of structures shall not occur within any existing or proposed easements on the property.
8. The City Engineer will verify and approve ingress and egress areas for City access to the stormwater treatment areas/system prior to issuing a building permit.
9. 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.
10. The variance shall become null and void twelve months after the date of approval, unless the property owner/applicant has substantially started the construction of the addition requested as part of the variance.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 12<sup>th</sup> day of September, 2012.

Motion introduced by Marceau and seconded by Holscher.

Roll call vote:

Ayes –	LaBelle, Marceau, Anderson and Holscher
Nays –	None
Absent –	De La Vega

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William LaBelle, Mayor

ATTEST:

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Joseph Kohlmann, Clerk/Administrator