

RESOLUTION NO.12-16

**A RESOLUTION APPROVING VARIANCE FROM THE REQUIRED 15-FOOT
FLOODPLAIN BUFFER
FOR RICHARD GAMMILL AND AMY GAMMILL
AT 62 PLEASANT 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, Richard Gammill and Amy Gammill (“Applicants”) own 62 Pleasant Avenue which is legally described as follows:

Real property in Hennepin County, Minnesota, described as follows: Lot Twenty-four (24), “John F. Wilcox Addition”, together with that part of the adjacent vacated Ralph Avenue that accrued thereto by reason of the vacation thereof. Also, a undivided one-third (1/3) interest in the following described property: That part of a strip of land Fifty feet (50’) in width, being Twenty-five feet (25’) on each side of the original center line of a certain crack (now retired) formerly known as Tonka Day Branch of the Minneapolis & St. Louis Railroad Company, being more particularly described as follows: Sad strip of land commencing at the South line of Pleasant Place in the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Twenty-Eight (28), Township One Hundred Seventeen (117) North, Range Twenty-three (23) West of the Fifth (5th) Principal Meridian; running thence Northerly through the East One-Half (E ½) of the Southwest Quarter (SW ¼) of said Section Twenty-eight (28) a distance of One Thousand Two Hundred Eighty feet (1280’), more or less, to a point distant Six Hundred feet (600’) Southerly, measured along said original center line, from the South lines respectively, of Lots Seventeen (17) and Eighteen (18), Wild Hurst, lying Southerly of the extension Northeasterly of the northwesterly line of Lot Twenty-four (24), “John F. Wilcox Addition”, together with a non-exclusive easement for driveway purposes over that part of the above described fifty (50) foot strip of land lying Southerly of the extension Northeasterly of the Northwesterly line of Lot twenty-four (24), “John F. Wilcox Addition”, PID #28-117-23-31-0061, commonly known as 62 Pleasant Avenue (the “Property”); and

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

WHEREAS, the Applicants are requesting a 6.83-foot variance from the required 15-foot floodplain buffer around all extended structures at 62 Pleasant Avenue; and

WHEREAS, Jack Corkle, Interim City Planner, issued a report dated June 12, 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 June 12, 2012, and held a public hearing, following the required notices and publication; and

WHEREAS, no one spoke at the public hearing, or presented any written testimony of evidence; 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 floodplain buffer variance, 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 addition to the home will be conforming to the anticipated use of the property and will meet all required setbacks, and, therefore will fit the character of the existing neighborhood;
2. Topography in the area provides that the home will always be accessible in the event of a flood;
3. The landowner does not own all property within 15' of the proposed addition;
4. Engineering has reviewed the proposed improvements and does not find reason to believe the proposed improvements would increase flood levels or represent a threat to public safety.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves a variance from the floodplain buffer requirement , as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that the approval of the requested variance shall include the following conditions:

1. The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
2. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer;
3. Building of structures shall not occur within any existing or proposed easements on the property;
4. The variance shall expire one year from the date of resolution, and City Council approval will be required for any subsequent extension.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 12th day of June, 2012.

Motion introduced by Marceau and seconded by De La Vega.

Roll call vote:

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

William LaBelle, Mayor

ATTEST:

Joseph Kohlmann, Clerk/Administrator