CITY OF TONKA BAY
ITEM NO. 4D

RESOLUTION NO. 14-05

A RESOLUTION APPROVING A VARIANCE TO ALLOW A SWIMMING POOL IN THE FRONT YARD (LAKESIDE) JEFFREY THOELE AND SANDRA THOELE 40 INTERLACHEN LANE

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, Jeffrey Thoele and Sandra Thoele (Applicants), owner of 40 Interlachen Lane which is legally described as follows:

Lot 15 and E 30 ft of Lot 16 Interlachen

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

WHEREAS, the Applicants are requesting a variance to allow for the installation of a swimming pool in the front yard (lakeside) of the property; and

WHEREAS, Kelsey Johnson, City Planner, issued a report dated February 25, 2014 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 variance requests on February 25, 2014 and held a public hearing, following the required notices and publication; and

WHEREAS, the City Council, following the public hearing and deliberation on the variance request; 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 comprehensive plan.
2. Granting the requested variance will not impair an adequate supply of light and air to adjacent parcels.
3. Granting the variance 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 variance will not increase the danger of fire or endanger the public safety.
5. Granting the variance will not diminish or impair established property values in the neighborhood. However, locating the swimming pool on the street side of the property may have adverse effects on neighboring property values.
6. Granting the variance will not alter the essential character of the locality. The swimming pool should not reasonably detract from views of the lake from adjacent property. The lakeside of the property presents a much more reasonable location for a swimming pool than the street side of the property in terms of the existing topography and drainage patterns
7. The request for a swimming pool is reasonable given the principal use of the property as a single-family home.
8. The variance request is in harmony with the general intent of the ordinance and will not lead to an overcrowding of homes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves a variance to allow a swimming pool in the front yard (lakeside); 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 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 approval of the building permit for the swimming pool is contingent upon the Applicant obtaining a fence permit that meets city code and the swimming pool regulations.
3. The pool location shall be moved from the apparent encroachment of the northwest corner on the average setback line of 64-feet (+/-).
4. 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.
5. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
6. Building structures (i.e. pool equipment storage structures) shall not occur within any existing easements on the property.

7. No construction above grade including but not limited to the construction of storage structures, play stations and slides which would obstruct the view from adjacent structures is allowed.
8. The 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 11th day of March, 2014.

Motion introduced by Clapp and seconded by Ansari.

Roll call vote:

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

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Gerry De La Vega, Mayor

ATTEST:

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Joseph Kohlmann, Clerk/Administrator