

**RESOLUTION NO. 15-27**

**A RESOLUTION DENYING A VARIANCE TO EXCEED THE MAXIMUM AREA OF 1,000 SQ. FT. FOR AN ACCESSORY STRUCTURE TO ALLOW FOR THE CONSTRUCTION OF A NEW DETACHED GARAGE ON THE PROPERTY LOCATED AT 60 WILDHURST RD – PID 28.117.23.24.0044**

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, Dan Murphy (“Applicant”) submitted an application on behalf of Dirk McMahon and Wendy McMahon (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 60 Wildhurst Road which is legally described as follows:

THAT PART OF THE S 125 FT OF LOT 12 LYING W OF THE E 140 FT THOF ALSO THAT PART OF LOT 13 DESC AS BEG AT THE NE COR THOF TH S ALONG THE E LINE OF SAID LOT 13 DIS 24 FT TH W PAR WITH THE N LINE THOF DIS 201 FT TH NWLY TO THE NW COR THOF TH E TO BEG EXCEPT THE E 140 FT OF SAID LOT 13, and THE E 140 FT OF THE S 125 FT OF LOT 12 AND THE E 140 FT OF THE N 24 FT OF LOT 13, Village of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

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

WHEREAS, the Applicants are requesting the following:

1. **A 218 sf. variance from the maximum area for an accessory structure** within the R-1A District for constructing a 1,218 sf. accessory structure when 1,000 sf. is the maximum permitted.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated October 30, 2015 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 November 10, 2015, and held a public hearing, following the required notices and publication; and

WHEREAS, no neighbors spoke on the Applicant’s proposal; 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 a new detached accessory structure 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 of the property as a single-family home will not change and is consistent with the City's Comprehensive Plan.
2. Granting the variance will not diminish or impair established property values in the neighborhood.
3. The proposed detached accessory structure is a reasonable use of the property.
4. The variance request is in harmony with the general intent of the ordinance.
5. There are no unique circumstances on the property not caused by the landowner which justify the requested area variance for the accessory structure.

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 a new detached garage; 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 24<sup>th</sup> day of November, 2015.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Ayes –

Nays –

Absent –

\_\_\_\_\_  
Gerry De La Vega, Mayor

ATTEST:

\_\_\_\_\_  
Lindy Crawford, Clerk/Administrator