

**RESOLUTION NO. 16-08**

**A RESOLUTION CLARIFYING RESOLUTION NO. 16-03**

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, 4 Square Builders (“Applicant”) submitted an application on behalf of Robert Steele and Suzanne Steele (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 160 Sunrise Ave. which is legally described as follows:

I. C. SEELEY AND N. F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK, LOT 039 INCL ADJ ST VAC, Village of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

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

WHEREAS, the Applicants are requested, and the following variances and conditional use permits were approved by the City Council on January 12, 2016:

1. A 10,400 sf. variance from the minimum required lot area within the R-1B District.
2. A 35 foot variance from the minimum required lot width within the R-1B District.
3. An 11.1 foot variance from the required front setback due to the 39.9-foot setback of the existing home.
4. A 5.5 foot variance from the required side setback for the proposed cantilevered covered stairs and location of the proposed deck.
5. A variance from the minimum fill elevation (floodplain buffer) of 932.5 feet for 15 feet surrounding the home.
6. A conditional use permit for an increase in the maximum allowable FAR by 25.6%.
7. A conditional use permit and a shoreland impact plan for impervious surface between 36 and 45 percent (proposed impervious surface is 41.2%)

8. A conditional use permit for alternative flood proofing measures for the proposed lowest floor of the structure.

WHEREAS, Upon receiving the necessary approvals from the City Council, the applicant applied for a demolition permit from the City and demolished the entire single family home with the exception of the foundation walls; and

WHEREAS, City staff felt that the applicant had represented to the City that portions of the first floor of the home were going to be preserved; and

WHEREAS, City staff also felt that part of the rationale for approving Resolution 16-03 granting the variances and conditional use permits was that the house was being remodeled and would utilize walls from the first floor rather than demolishing the entire above ground portion of the structure; and

WHEREAS, the City Council was asked to provide clarification as to whether the applicant was permitted to demolish the entire house and rebuild a home consistent with the building plans that were reviewed and approved by the City Council on January 12, 2016; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the demolition of the home located at 160 Sunrise Ave. and the construction of a new single- family home consistent with the plans submitted for City Council review and approval on January 12, 2016; and

BE IT FURTHER RESOLVED, All terms and conditions contained in Resolution 16-03 shall remain in effect:

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 23rd day of February, 2016.

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

Roll call vote:

Ayes –

Nays –

Absent –

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

ATTEST:

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