

**RESOLUTION NO. 16-13**

**A RESOLUTION APPROVING A FENCE HEIGHT VARIANCE TO ALLOW FOR THE CONSTRUCTION OF A PRIVACY HEDGE ON THE PROPERTY LOCATED AT 275 LAKEVIEW AVE**

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, Ben Dunlap (“Applicant”) has submitted an application on behalf of Laura Berghoff (“Owner”); and

WHEREAS, the Property Owner owns the property located at 275 Lakeview Ave. which is legally described as follows:

TRACTS A & B, REGISTERED LAND SURVEY NO. 0064 HENNEPIN COUNTY, MINNESOTA, City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners’ Property is located within the R1-A Single Family Residential zoning district, Shoreland Overlay district; and

WHEREAS, the Applicants are requesting the following:

1. **A six-foot fence height variance** to allow for a privacy hedge up to 12-feet in height.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated April 6, 2016 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 April 12, 2016, and held a public hearing, following the required notices and publication; and

WHEREAS, the City received one letter in support of and one letter in opposition to the request; 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 privacy hedge up to 12 feet in height 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, continued use as a single-family home is consistent with the City's Comprehensive Plan.
2. The continued use of the property as a single-family home is compatible with present uses in the area.
3. The request is in harmony with the intent of the Ordinance.
4. A practical difficulty to complying with the Ordinance exists on this property because:
  - a. The use of the property as a single-family residence will continue and the proposed hedge will create a reasonable amount of screening from the adjacent home
  - b. The size, shape, and topography on the lot are unique, creating the need for additional height for screening between this lot and the adjacent property to the north.
  - c. The proposed hedge will maintain the essential character of the locality.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance request to allow for the construction of a privacy hedge up to 12-feet in height; 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 26<sup>th</sup> day of April, 2016.

Motion introduced by Grothe and seconded by Clapp.

Roll call vote:

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

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Gerry De La Vega, Mayor

ATTEST:

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Lindy Crawford, Clerk/Administrator