

RESOLUTION NO. 16-28

A RESOLUTION APPROVING VARIANCES IN LOT AREA, LOT WIDTH, REAR SETBACK AND FINISHED FILL ELEVATION TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY HOME ON THE PROPERTY LOCATED AT 200 BIRCH BLUFF RD – PID 28.117.23.32.0010

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, David Wagner (“Applicant”) submitted an application on behalf of Patrick Matre (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 200 Birch Bluff Road which is legally described as follows:

LOT 021 OF WILCOX OLD ORCHARD ADDITION, 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, Shoreland Overlay zoning district; and

WHEREAS, the Applicants are requesting the following:

1. A variance of 10,600 square feet from the required minimum lot area of 20,000 square feet in the Shoreland Overlay District
2. A variance of 25 feet from the minimum lot width of 75 feet in the R1-A District
3. A variance of 13 feet 4 3/8 inches from the minimum rear yard setback of 25 feet in the R1-A District
4. A variance of 7 feet from the required finished fill elevation buffer of 15 feet

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated July 20, 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 July 26, 2016, and held a public hearing, following the required notices and publication; and

WHEREAS, the Applicants presented to the Council reasons for their proposal; and

WHEREAS, two residents spoke with concerns regarding drainage during the public hearing; and

WHEREAS, the City Council, following the public hearing and deliberation on the variance requests to allow for the construction of a new single-family home, 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 variance requests are in harmony with the general purposes and intent of this Ordinance.
2. The variance requests are consistent with the comprehensive plan.
3. The property in question meets the “practical difficulties” test.
4. The variance requests will not impair light and air to adjacent property, unreasonably increase congestion, increase the danger of fire or otherwise endanger the public safety.
5. The variances will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance requests for lot area, lot width and finished fill elevation as requested as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED that the City Council of the City of Tonka Bay hereby approves a reduced variance of seven (7) feet from the rear setback requirement; and

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

1. The Applicant shall submit a landscape plan for staff and City Engineer approval, showing any planned removals and replacements.
2. The Applicant shall obtain a demolition permit from the City for the existing structure before a building permit for the new home is issued.
3. 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).
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. The City Engineer shall inspect the property at the property owner’s expense during the construction process to ensure on-going compliance with all engineering requirements.
6. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.

7. Building of structures shall not occur within any existing or proposed easements on the property.
8. 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 10th day of August, 2016.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –

Nays –

Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator