

RESOLUTION NO. 16-04

A RESOLUTION APPROVING LOT AREA, LOT WIDTH, FRONT SETBACK, SIDE SETBACK, REAR SETBACK, FLOODPLAIN BUFFER, TWO-CAR GARAGE, DRIVEWAY SETBACK, AND MAXIMUM HEIGHT VARIANCES AND CONDITIONAL USE PERMITS FOR INCREASE IN THE MAXIMUM ALLOWABLE FLOOR AREA RATIO, SHORELAND IMPACT PLAN AND ALTERNATIVE FLOODPROOFING MEASURES TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE FAMILY HOME ON THE PROPERTY LOCATED AT 220 SUNRISE AVE – PID 27.117.23.13.0003

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, Candace Gordon and Timothy McClellan ("Applicant" and "Property Owner") submitted an application; and

WHEREAS, the Property Owner owns the property located at 220 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 045 INCL ADJ PART OF VAC STREET, City 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 requesting the following:

1. A 10,316 sf. variance from the minimum required lot area within the R-1B District.
2. A 35.07 foot variance from the minimum required lot width within the R-1B District.
3. A 2.25 foot variance from the required front setback within the R-1B District.
4. A 3.9 foot variance from the required side setback within the R-1B District.
5. A 3.6 foot variance from the required rear setback within the R-1B District.
6. A variance from floodplain Section 1040 Section 4.25
7. A variance from the requirement of having at least a two (2) car garage within the R-1B District.
8. A 3' 2" variance from the required driveway setback from the right-of-way within the R1-B District.
9. A variance from the maximum height of 2 ½ stories
10. A conditional use permit for floodproofing as proposed

11. A conditional use permit for an increase in the maximum allowable FAR by 26.9%
12. A conditional use permit and a shoreland impact plan for impervious surface coverage between 36 and 45 percent (proposed impervious surface coverage is 38.1%)

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated January 7, 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 January 13, 2016 held a public hearing, following the required notices and publication; and

WHEREAS, one neighbor spoke in support of 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 and conditional use permit requests to allow for 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 proposed use as a single-family home will not change and is consistent with the City's Comprehensive Plan.
2. Granting the requested variances and Conditional Use Permits will not impair an adequate supply of light and air to adjacent parcels.
3. Granting the variances and Conditional Use Permits 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 variances will not increase the danger of fire or endanger the public safety.
5. Granting the variances will not diminish or impair established property values in the neighborhood.
6. Granting the variances will not alter the essential character of the locality.
7. The continued use of the property as a single-family home is a reasonable use of the property.
8. The requests are in harmony with the general intent of the ordinance.
9. There is a demonstrated need for the use.
10. The proposed use conforms with all performance standards

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the lot area, lot width, front setback, side setback, rear setback, floodplain buffer, driveway setback and maximum height variances and conditional use permits for increase in the maximum allowable floor area ratio, shoreland impact plan and alternative flood proofing measures, to allow for an addition to the single family home; as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that that the City Council of the City of Tonka Bay hereby denies the variance from the two-car garage requirement; and

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

1. The Applicant shall submit an updated survey showing the proper establishment of the benchmark used to determine the finished grades and must be approved by the City Engineer.
2. 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).
3. 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.
4. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
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. The variance shall expire one year from the date of the resolution. City Council approval will be required for any subsequent extension.
9. Alternative flood proofing measures must be approved by the Building Official prior to the issuance of any building permits.
10. The garage plans shall be modified to meet the minimum dimensions of a two-car garage.

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

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –

Nays –

Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator