

**RESOLUTION NO. 16-14**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A METAL-SIDED ACCESSORY STRUCTURE AND A REDUCTION IN THE REQUIRED SIDE SETBACK FOR TO ALLOW FOR THE CONSTRUCTION OF A WOOD FRAME METAL SHED ON THE PROPERTY LOCATED AT 81 WILDHURST RD –**

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, Travis Van Neste and Wendy Van Neste (“Applicant” and “Owner”) submitted an application; and

WHEREAS, the Property Owner owns the property located at 81 Wildhurst Road which is legally described as follows:

Lot 22, Wild Hurst Addition, Hennepin County, Minnesota, and that adjacent part of vacated Willow Street, City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners’ Property is located within the R2-A Two-Family/Townhouse zoning district, Shoreland Overlay district; and

WHEREAS, the Applicants are requesting the following:

**A conditional use permit** for a metal-sided accessory structure and a 6.6-foot reduction in the required side yard setback within the R2-A District

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated March 22, 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 Applicants presented to the Council reasons for their proposal; and

WHEREAS, the City Council, following the public hearing and deliberation on the Conditional Use Permit requests to allow for the construction of a new metal-sided 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, 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 proposed use conforms with all performance standards
4. Granting the Conditional Use Permit will not alter the essential character of the locality.
5. There is a demonstrated need for the use.
6. Granting the Conditional Use Permit will not diminish or impair established property values in the neighborhood
7. The proposed use can be accommodated with existing public service.
8. The reduction in side setback is due to unique circumstances on the property.
9. No unique natural features will be eliminated with this request.
10. The structure will not restrict sun access from abutting lots.
11. The exterior appearance of the building does not differ from the principal building to a degree to cause incongruity.
12. A depreciation of neighborhood property values will not occur.
13. A nuisance such as an unsightly building exterior will not result.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the Conditional Use Permit request, to allow for the construction of a new detached garage; as shown on the Plans attached hereto, as Exhibit A (the Plans); and

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

1. 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).
2. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
3. Building of structures shall not occur within any existing or proposed easements on the property.
4. The Conditional Use Permit shall become null and void 12 months after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alternation, or use requested as part of the conditional use. City Council approval will be required for any subsequent extension.
5. The applicant shall record the proposed maintenance easement (as shown on the approved plans) with Hennepin County within 60 days of approval of the Conditional Use Permit.
6. The applicant shall record a certified copy of the Conditional Use Permit with the Hennepin County Recorder within 60 days of approval.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 26<sup>th</sup> day of April, 2016.

Motion introduced by Clapp and seconded by Ansari.

Roll call vote:

Ayes –	Ansari, Clapp and De La Vega
Nays –	Grothe
Absent –	Anderson

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Gerry De La Vega, Mayor

ATTEST:

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Lindy Crawford, Clerk/Administrator