

ITEM NO. 5B

RESOLUTION NO. 16-46

A RESOLUTION APPROVING VARIANCES FROM THE MINIMUM LOT SIZE, STRUCTURE HEIGHT, AND FINISHED FILL ELEVATION BUFFER TO ALLOW FOR A NEW SINGLE FAMILY HOME ON THE PROPERTY LOCATED AT 60 WEST POINT AVENUE – PID 22.117.23.32.0020

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, Gordon James Construction (“Applicant”) submitted an application on behalf of Phil and Judy Rolchigo (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 60 West Point Avenue which is legally described as follows:

THAT PART OF LOTS 3 AND 4, WEST POINT, ACCORDING TO THE RECORDED PLAT THEREOF, HENNEPIN COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE LINE BETWEEN LOTS 3 AND 4, SAID ADDITION, INTERSECTS THE SHORE OF LAKE MINNETONKA, SAID POINT BEING THE MOST NORTHERLY CORNER OF LOT 3; THENCE SOUTHEASTERLY TO A POINT IN THE SOUTHEASTERLY LINE OF LOT 3, DISTANT 10 FEET SOUTHWESTERLY FROM THE MOST EASTERLY CORNER OF SAID LOT; THENCE IN A NORTHEASTERLY DIRECTION TO A POINT ON THE SHORE OF LAKE MINNETONKA WHICH IS 50 FEET NORTHEASTERLY FROM THE POINT OF BEGINNING; THENCE SOUTHWESTERLY 50 FEET TO A POINT OF BEGINNING.

ALSO, THAT PART OF SAID LOT 3 LYING NORTHERLY AND NORTHEASTERLY OF A LINE HEREINAFTER REFERRED TO AS “LINE C”, SAID “LINE C” BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 3 DISTANT 36.96 FEET SOUTHWESTERLY, MEASURED ALONG SAID SOUTHEASTERLY LINE, FROM THE MOST EASTERLY CORNER OF SAID LOT 3; THENCE NORTHWESTERLY THROUGH A POINT HEREINAFTER REFERRED TO AS “POINT B” BEING DRESCRIBED AS A POINT ON A LINE HEREINAFTER REFERRED TO AS “LINE B” DRAWN FROM A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 3 DISTANT 152 FEET NORTHWESTERLY FROM THE MOST EASTERLY CORNER OF SAID LOT 3 TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 3 DISTANT 188 FEET NORTHWESTERLY FROM THE MOST SOUTHERLY CORNER OF SAID LOT 3, AND SAID “POINT B” BEING DISTANT 75.22 FEET NORTHEASTERLY, MEASURED ALONG SAID “LINE B”, FROM THE SOUTHWESTERLY LINE OF SAID LOT 3. , City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners' Property is located within the R-1A zoning district with a Shoreland Overlay; and

WHEREAS, the Applicants are requesting the following:

1. **A variance** of 7,499 square feet from the required minimum lot size in the R-1A district.
2. **A variance** of 2.25 feet from the required maximum structure height.
3. **A variance** of 10 feet from the finished fill elevation buffer.

WHEREAS, Addison Lewis, Assistant City Planner, and Justin Messner, City Engineer, issued a report dated December 2, 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 December 13, 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 variance requests to allow for the construction of a 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 from the minimum lot size, structure height, and finished fill elevation buffer as shown on the Plans attached hereto, as Exhibit A (the Plans).

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 10th day of January, 2017.

Motion introduced by _____ and seconded by _____.

Roll call vote:
Ayes –

Nays –
Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator