



**CITY OF TONKA BAY**

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**ITEM NO. 6A**

# Memo

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Administrator  
Soren Mattick, Interim City Attorney  
**Date:** February 9, 2016  
**Re:** 160 Sunrise Demolition

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On December 8, 2015 the City Council approved the land use application granting variances and CUPs for the property of 160 Sunrise Ave.

On January 27<sup>th</sup> during a site visit, staff observed that the home at 160 Sunrise Ave. had been completely demolished down to the foundation. A picture taken on the 27<sup>th</sup> is provided in your packet. Staff believes this demolition is in violation of several approvals issued by the City Council, namely:

1. The demolition permit: The demo was to prepare for the remodel and was not for the purposes of new construction (see attached). The fact that all four walls of the structure have been removed is not consistent with the stated purpose of the demo permit, line 20 on the permit.
2. The building permit (not yet issued): The plans submitted with the building permit application clearly depict two or more walls to remain during the addition and remodel. Although the foundation walls remain, the building permit project description states (line 20): "remodel existing structure with slight increase on two sides". There is no longer an existing structure to be remodeled.
3. The variances and CUPs: The conditional use permit and variances approved for this project were based on the same plans submitted for the building permit; the plans that indicate that two of the four walls (on the sides not involving the addition) were going to remain. Staff believes that since this is now a rebuild and not an addition, it is different than the project described and approved by City Council. The resolution approving the CUPs and variances states specifically:

*NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance and conditional use permit requests, to allow for an addition to the single family home; as shown on the Plans attached hereto, as Exhibit A (the Plans) (see attached resolution).*

4. Flood Proofing. At this time staff does not believe any alterations need to be made to the alternative flood proofing measures and grading/ drainage with the rebuild of the home.

Staff is concerned that the original application suggested this project was going to remodel a portion of the existing home, not simply utilize the foundation. The language in the resolution approving the variances contemplates an addition. However, if this application were to be presented as a residential redevelopment (tear down, rebuild) staff's position would still be recommendation for approval of the requested variances and CUPs from the City Council. Staff is seeking guidance from the City Council as to whether the approvals granted were contingent upon portions of the home remaining or whether the approvals created a new "foot print" for the home to be constructed.

#### **Attachments**

Picture Taken 1/27/16

Demo Permit Application

Building Plan from 12/8/15 Council Meeting

Resolution 16-03 Approved 1/12/16

#### **Council Action**

Discuss and determine whether the approvals granted were contingent upon portions of the home remaining or whether the approvals created a new "foot print" for the home to be constructed.