



CITY OF TONKA BAY MEMORANDUM

To: City Council Members
Lindy Crawford, City Administrator

From: Erin Perdu, AICP, City Planner
Justin Messner, City Engineer

Date: October 18, 2016
City Council Regular Meeting for October 25, 2016

WSB Project No. 01987-700

Request: ***Request for approval of variances from the required minimum lot size, minimum front yard setback, minimum rear yard setback, and administrative approval to allow for excess impervious surface coverage in order to construct a new single family home at 85 Lakeview Avenue – R-1B zoning, Shoreland Overlay – PID: 27-117-23-24-0093***

RECOMMENDATION

Based on the findings outlined in this report, staff recommends approval of all of the requested variances.

GENERAL INFORMATION

Applicant: David Peterson & Christine Loberg

Owners: David Peterson & Christine Loberg

Location: 85 Lakeview Avenue

Existing Land Use / Single-family Residential; zoned R-1B with a Shoreland Overlay

Surrounding Land Use / Zoning: North: Lake Minnetonka
West: Single-family; zoned R-1A, Shoreland Overlay
South: Single-family; zoned R-3, Shoreland Overlay
East: Marina / C-2 General Commercial, Shoreland Overlay

Comprehensive Plan: The Tonka Bay 2009-2030 Comprehensive Plan guides this lot for Multifamily Residential use.

Deadline for Agency Action:	Application Date:	9/21/16
	60 Days:	11/20/16
	Extension Letter Mailed:	N/A
	120 Days:	1/19/17

CONSIDERATIONS RELATING TO THE REQUEST

1. Overview. The Applicants are requesting several variances in order to replace the existing home on the lot with a new one. The home is proposed to be two stories tall, and is situated on the lot similarly to the original home. The current impervious surface coverage is 29.5%, and is proposed to increase slightly to be 29.8%. The following approvals are required:

- Variance of 1,129 square feet from the required minimum lot size; 13,871 square feet proposed where 15,000 square feet is required.
- Variance of 18 feet from the required minimum front yard setback; 32 feet is proposed where 50 feet is required. The entirety of the proposed home meets the front yard setback. The reason for the variance request is to accommodate for a future deck to be constructed, which encroaches into the setback.
- Variance of 12.7 feet from the required minimum rear yard setback; 12.3 feet is proposed where 20 feet is required. This variance is necessary as a small portion of the southeast corner of the home and the eastern half of the proposed porch encroach into the setback.
- Administrative approval of the proposed hardcover of 29.8%.

2. Ordinance Authority.

1011.03 Riparian Lots; subdivision 5, d. states that no principal structure or building addition shall be located closer to the ordinary high water mark than the greater of fifty (50) feet, or the average setback of the two adjacent riparian principal structures on either side of a proposed building site.

1018.06 Lot Area and Setback Requirements (in the R-1B District); subdivision 1 requires lot area be at least 15,000 square feet.

1018.06 Lot Area and Setback Requirements (in the R-1B District); subdivision 3 requires 20 foot rear yard setback for principal structures.

1070.11 Impervious Surface Coverage (in the Shoreland District); subdivision 1, a, 1. allows for impervious surface coverage of 26 to 35 percent if structures and practices are in place for the treatment of storm water runoff and/or prevent storm water from directly entering a public water.

3. Variance Review Criteria

Statutory Criteria

1. *The request is in harmony with the general purpose and intent of this Ordinance.*

Lot Area Request:

The City's intent of establishing minimum lot sizes is to ensure that land does not become overcrowded with structures and that the lake does not get polluted. In this instance the lot was originally platted smaller than the current ordinance requirements.

There is currently a single-family home on the property. The proposed new home is larger, but will allow the applicant to have a more modern, updated home similar in footprint to other homes in the neighborhood. Staff finds that the proposed single-family home would not

contribute to overcrowding and therefore is in harmony with the general purposes and intent of the ordinance. **Criteria met.**

Setback Requests:

The intent of the setback requirements is to provide an adequate buffer between homes and to provide for areas of recreation/open space and stormwater drainage areas on properties. Allowing for a new home to be constructed will not go against the general purpose and intent of the setback requirements. **Criteria met.**

2. *The variance is consistent with the comprehensive plan.*

All Requests:

The Comprehensive Plan calls for this area of the City to be used for multifamily residential. The proposed new home is not consistent with that guidance. However, it is consistent with the existing land use. Staff notes that the Comprehensive Plan is currently being updated, and the new guidance for this parcel will likely be for single family residential to reflect its existing use. Allowing for an updated single family home to be constructed on this site will not change the current use and is consistent with the City's Comprehensive Plan in this manner. **Criteria met.**

3. *The property in question meets the "practical difficulties" test:*

- a) *The property owner proposes to use the property in a reasonable manner.*

All Requests:

The property owners are proposing to continue to use the property for a single family home as permitted in the R1-B zoning district. An updated single-family home is a reasonable use. **Criteria met.**

- b) *There are unique circumstances to the property not created by the landowner.*

All Requests:

The unique circumstances on this property are largely related to the small size and odd shape of this lot that pre-dated the adoption of current Ordinance standards. Constructing a modern, updated single family home on the property is extremely difficult without the need for variances. **Criteria met.**

- c) *The variance will maintain the essential character of the locality.*

All Requests:

The essential character of the locality will not be negatively impacted as a result of approval of the requested variances. The proposed new home fits into the character of the area, as other dated homes in the area have been replaced with new ones. **Criteria met.**

City Tests

1. *Will the variance impair an adequate supply of light and air to adjacent property?*

Granting of the requested variances will not impair an adequate supply of light and air to adjacent property. **Criteria met.**

2. *Will the variance unreasonably increase the congestion in the public street?*

Granting of the requested variances will have no impact on congestion in the public street. **Criteria met.**

3. *Will the variance increase the danger of fire or endanger the public safety?*

Granting of the requested variances will not increase the danger of fire or endanger public safety. **Criteria met.**

4. *Will the variance unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of the zoning ordinance?*

Granting of the requested variances should not have any impact on property values within the neighborhood. Staff does not find the requested variance to be contrary to the intent of the zoning ordinance. **Criteria met.**

4. **Resident Concerns.** None to date.

5. **Engineering Considerations.** None.

POTENTIAL ACTION

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE REQUEST based on the Applicant's submittals and findings of fact.
- B) DIRECT STAFF TO PREPARE A RESOLUTION DENYING THE REQUEST based on the Applicant's submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

The 60-day review period for this application expires on November 20, 2016. If the Council fails to preliminarily approve or disapprove the request within the review period, the application is deemed preliminarily approved.

RECOMMENDATION

Based on the findings of fact in this report, staff recommends the following:

- Approval of a variance from the required minimum lot size; 13,871 square feet proposed where 15,000 square feet is required.
- Approval of a variance from the required minimum front yard setback; 32 feet proposed where 50 feet is required.
- Approval of a variance from the required minimum rear yard setback; 12.3 feet proposed where 20 feet is required.

The recommended actions are outlined in the template motion below.

"I move that we direct staff to prepare a resolution of approval for the requested lot size, lot width and setback variances for property located at 85 Lakeview Ave. based on the findings of fact listed in the report."

- a. The variances are in harmony with the general purpose and intent of the Ordinance.
- b. The proposed use of the property as a single-family home is consistent with the City's Comprehensive Plan.
- c. The property owner's proposed single family residence is a reasonable use of the property to justify the variance requests.

- d. Unique circumstances on the property including lot size and width were not created by the landowner.
- e. The variances will not alter the essential character of the locality.
- f. The variances will not impair the adequate supply of light and air to adjacent property.
- g. The variances will not increase the danger of fire or endanger public safety.
- h. The variances will not diminish established property values in the area.