

Memo

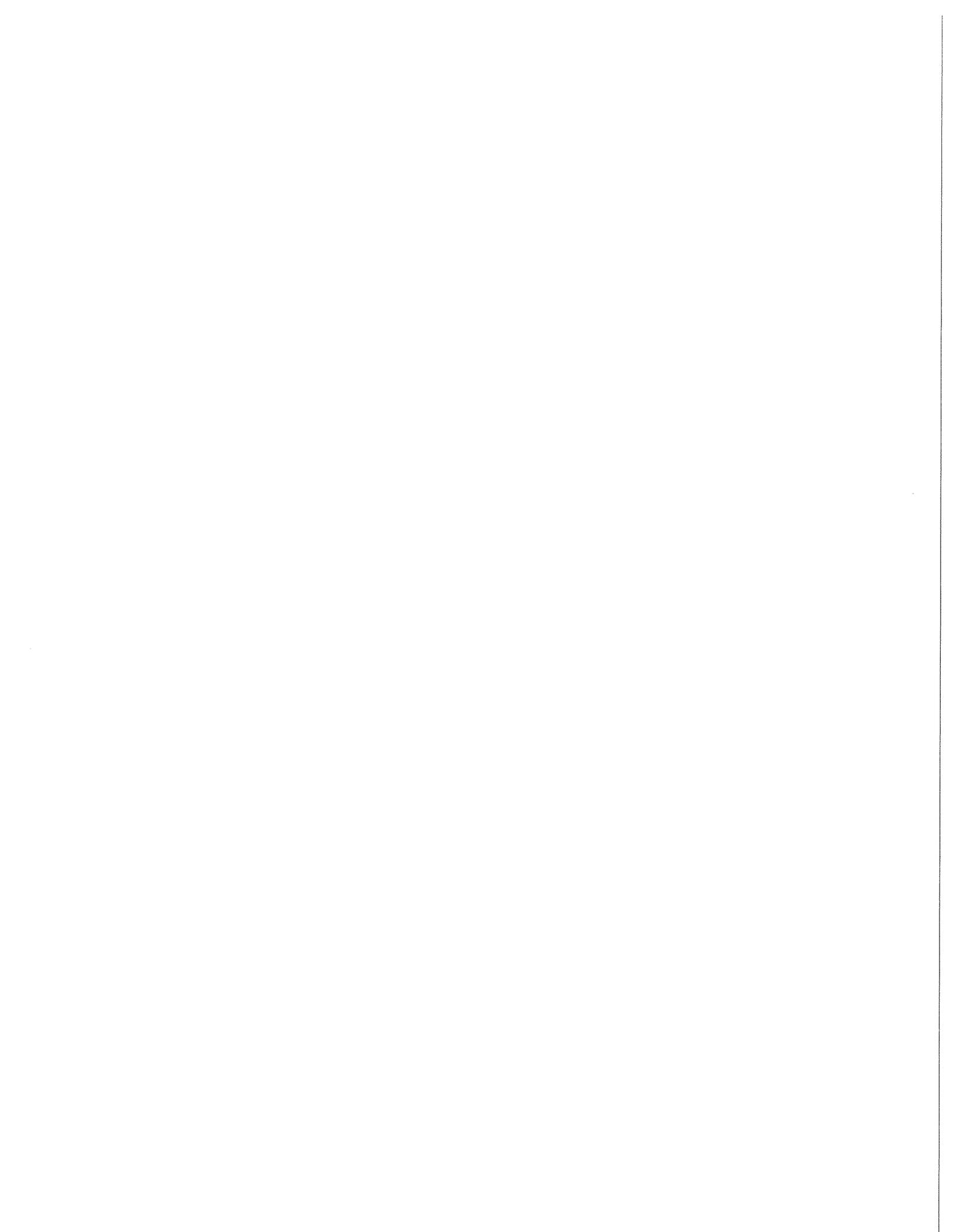
To: Honorable Mayor and City Council
From: Joe Kohlmann, City Administrator
Date: July 8, 2014
Re: 4240 Circle Road

The applicants for 4240 Circle have provided their letters to withdraw the application.

Due to time constraints on the review period, Staff has *attached* a Resolution formally denying their request.

Council Action Requested:

Motion to adopt the *attached* Resolution 14-22 – A Resolution Denying Preliminary Plant and Variance Request from the Minimum Lot Area Requirement to Allow for the Subdivision of the Property 4240 Circle Road.





BURNET

Minnetonka Office

19400 Highway 7
Excelsior, MN 55331-9174
952-474-2525
Fax 952-474-9583
www.cbburnet.com

June 18, 2014

Joe Kohlmann – City Administrator Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331

Dear Joe,

As representative of Gail Griffin, I am withdrawing the application. We are currently in discussion with a buyer that would change our application.

I will have a letter from Gail by the end of this week, as she is currently traveling overseas.

Best Wishes,

Woody Love

Realtor

cc. Gail Griffin

EXHIBIT A

June 19, 2014

Joe Kohlmann, City Administrator Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331

Mr. Kohlmann,

I respectfully request a withdrawal of our application to the City of Tonka Bay regarding the property at 4240 Circle Road at this time. We are in discussions with a buyer that might involve changes in our application. Thank you for your time and consideration.

Sincerely,



Gail T. Griffin
6704 Heirloom Ct.
Frederick, MD 21702

cc: Woody Love

EXHIBIT B

RESOLUTION NO. 14-22

**A RESOLUTION DENYING PRELIMINARY PLAT AND VARIANCE REQUEST
FROM THE MINIMUM LOT AREA REQUIREMENT TO ALLOW FOR THE
SUBDIVISION OF THE PROPERTY
FOR JOHN J. GRIFFIN, MCVEIGH J. GRIFFIN, CHRISTOPHER D. GRIFFIN,
GAIL T. GRIFFIN AND JONATHAN W. GRIFFIN
4240 CIRCLE ROAD**

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, John J Griffin, McVeigh J Griffin, Christopher D Griffin, Gail T Griffin, and Jonathan W Griffin, ("Applicants") are the owners of 4240 Circle Road, which is legally described as follows:

That part of Lot 36 lying southeasterly of the New Narrows; all of Lot 37 and that part of Lot 38 lying northwesterly of a line drawn from the most northerly corner of Lot 39 to a point in the southwesterly line of Lot 38 distant 95 feet northwesterly from the most southerly corner of Lot 39, all in INTERLACHEN. ALSO, that part of Government Lot 4, Section 21, Township 117 North, Range 23 West of the 5th Principal Meridian, lying southerly of the New Narrows; EXCEPT that part of Lots 36, 37 and 38 INTERLACHEN which lie northeasterly of a line parallel with and 20.0 feet southwesterly of the following described center line: Beginning at a point 2087.61 feet North and 2171.70 feet West of the Southeast corner of Section 21, Township 117, Range 23; thence North 23 degrees 34 minutes West a distance of 157.69 feet; thence along a curve to the left with a radius of 716.20 feet (delta angle 6 degrees 16 minutes, tangent distance 39.21 feet) a distance of 78.33 feet; thence North 29 degrees 50 minutes West a distance of 136.07 feet; thence along a curve to the left with a radius of 318.31 feet (delta angle 27 degrees 57 minutes, tangent distance 79.22 feet) a distance of 155.28 feet to the actual point of beginning of the line to be described; thence North 57 degrees 47 minutes West a distance of 326.61 feet and there terminating. For the purpose of this description the East line of said Section 21 shall be designated as a line bearing North 1 degree 11 minutes 55 seconds East.

WHEREAS, the Applicants' property is located within the R1-A zoning district; and

WHEREAS, the smaller parcel (PID 21-117-23-31-0001) is 10,034 square feet in size, however does not have frontage along/access to a public right-of-way and does not meet the minimum dimensional criteria with the R-1A/Shoreland Overlay Zoning District;

and

WHEREAS, Consistent with Minnesota Statute Section 462.357, Subd. 1.e.2.e through g, the two individual lots are considered one, as they are "required to be combined with one or more contiguous lots so they equal one or more conforming lots as much as possible".; and,

WHEREAS, Staff does not believe that the applicant has met the Statutory and City Criteria for approving the requested preliminary plan and variance, and

WHEREAS, Staff advises the City Council that the City's Ordinance prohibits the granting of this Application; and

WHEREAS, the City has received a letter withdrawing the Application from Woody Love, Applicant, and an email/fax letter withdrawing the Application from Gail T. Griffin, fee owner and representative of the remaining fee owners, attached hereto as Exhibits A and B and made a part hereof, and;

WHEREAS, the City Council has reviewed the Application and letters of withdrawal this 8th day of July, 2014, and made the following findings of fact:

- a. The proposed preliminary plat and creation of two (2) new lots does not meet the minimum lot area requirements of the Tonka Bay Zoning Ordinance, which violates Section 1030, Section 7, Subd. B.1 of the City Code.
- b. The City Council does not find that undue hardship will result from strict compliance with the City Zoning Ordinance and Subdivision Regulations.
- c. There are no special and highly unique circumstances or conditions affecting the property which are not common to other properties in the City.
- d. The strict application of the minimum lot area requirements does not deprive the applicant of the reasonable and minimum use of the land. The land can continue to be used for single-family residential use for which it is guided in the City's Comprehensive Plan and zoned in the City's Zoning Ordinance.
- e. There is not an extreme hardship such as topography, soil conditions or other physical factors of the land, which results in the need for a variance.
- f. The proposed preliminary plat is designed so variances from the lot area standards in the City's Zoning Ordinance would be needed for use of the lots for their intended purpose as single-family residential units, which violates Minn. Rules 6120.3500, Subd. 3.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby denies the Application.

PASSED at a regular meeting of the Tonka Bay City Council this 8th day of July, 2014.

Motion introduced by _____ and seconded by _____.

Roll Call Vote: Ayes –
Nays –
Absent –

Gerry De La Vega, Mayor

ATTEST:

Joseph Kohlmann, Clerk/Administrator