



CITY OF TONKA BAY MEMORANDUM

To: Tonka Bay City Council

From: Erin Perdu, AICP, City Planner
Lindy Crawford, City Administrator

Date: April 26, 2016

WSB Project No. 01987-590

Request: **Request for approval of a variance to allow for the installation of an electronic gate at the property located at 275 Lakeview Ave, PID: 27.117.23.31.0003**

RECOMMENDATION

Staff recommends denial of the electric gate variance. Staff has provided findings of fact for denial starting on page 2.

GENERAL INFORMATION

Applicant: Ben Dunlap, Streeter & Associates

Owners: Chris & Laura Hadland

Location: 275 Lakeview Avenue

Existing Land Use / Zoning: Overlay Single-Family Residential; zoned R1-A Single Family Residential with a Shoreland

Surrounding Land Use / Zoning: North: Single-Family Residential; zoned R1–A Single Family, Shoreland Overlay
East: Single-Family Residential; zoned R1–A Single Family, Shoreland Overlay
South: Lake Minnetonka
West: Single-Family Residential; zoned R1-- A Single Family, Shoreland Overlay

Comprehensive Plan: The Tonka Bay 2009-2030 Comprehensive Plan guides this property for Single Family Residential land use of less than 2.9 dwelling units per acre.

Deadline for Agency Action:

Application Date:	02-25-16
60 Days:	04-25-16
Extension Letter Mailed:	04-13-16
120 Days:	06-24-16

CONSIDERATIONS RELATING TO THE REQUEST

- 1. Overview.** The Applicant is seeking to construct an electronic gate at the entrance to the driveway, which requires a variance. The purposes of the gate would be screening and safety.

2. Ordinance Authority. *Section 1011.05, Fencing/Screening, Subd. 1, (c) 6.* states that no person shall construct any fence or metal construction which is charged by or connected with an electrical system.

3. Statutory Criteria.

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

While the proposed electric gate deviates from the prohibition on fences connected with an electrical system, the proposed gate will not negatively impact the health, safety or general welfare of the community. **Criteria met.**

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

As the use of the property is not proposed to change, the gate request presents no conflict with the Comprehensive Plan. **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.*

The applicant has not provided any information as to a practical difficulty resulting in the need for an electronic gate. The use of the property as a single family property with reasonable privacy from neighboring homes can take place without an electronic gate across the street side of the property. **Criteria not met.**

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

There is no apparent unique circumstance on this property that would justify the need for an electronic entry gate in conflict with the intent of the ordinance. **Criteria not met.**

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

The installation of an electronic entry gate is a significant departure from other single family residences in the neighborhood and in the City as a whole. This is contrary to the intent of the ordinance and the desires of the City to maintain an open and friendly residential character. **Criteria not met.**

4. Resident concerns: None reported to date for the electric gate.

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 120-day review period for this application expires on June 24, 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 and compliance with the required variance criteria set forth in the Tonka Bay City Code, staff recommends denial of the variance request for an electric fence gate based on this request not meeting all of the variance criteria, particularly with regard to ordinance intent and neighborhood character.