

**RESOLUTION 15-22
A RESOLUTION EXTENDING VARIANCE AND
CONDITIONAL USE PERMITS
GRANTED BY RESOLUTION NO. 14-32
35 WEST POINT AVENUE**

WHEREAS, on October 14, 2014, the Tonka Bay City Council granted Ann Marie Jennings the following variances and conditional use permit:

1. A **7,039 square foot variance from the minimum lot area requirement** to allow for the construction of a new home on a lot that is 12,961 square feet in area.
2. A **25 foot variance from the minimum required lot width requirement** to allow for the construction of a new home on a lot that is 50 feet wide along Lake Minnetonka.
3. A **6.2 foot variance from the required 23 foot rear yard setback** for a roof overhang (**7 foot variance from the required 25 foot rear yard setback** for the principal structure) to allow for the construction of a new home 18 feet from the rear property line with a 1.2 foot roof overhang.
4. A **conditional use permit to allow a 13% increase** over the maximum impervious surface coverage of 25.0% for a total of 38% impervious surface coverage.

for the purpose of constructing a single family dwelling on property located in an R-1A Single Family Residential District on property legally described as:

Lot 10, WEST POINT, Village of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

and,

WHEREAS, Section 1004.04, Subd. 1, 2, and 3, of the Tonka Bay Zoning Ordinance, state that:

1004.04 LAPSE OF VARIANCE.

Subd. 1. Timeline. Unless the City Council specifically approves a different time when action is officially taken on the request, the variance shall become null and void twelve (12) months after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the variance. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.

Subd. 2. Application. An application to extend the approval of a variance shall be submitted to the Zoning Administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction. The application shall be heard and decided by the City Council prior to the lapse of approval of the original request.

Subd. 3. Determination. In making its determination on whether an applicant has made a good faith attempt to utilize the variance, the City Council shall consider such factors as the type, design and space of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

and,

WHEREAS, Ms. Jennings has submitted the letter attached to and made a part of this Resolution to the City Council requesting the extension of the original variances and conditional use permit granted and the Council considers the letter as a good faith attempt to utilize the variances and conditional use permit taking into considerations such factors as the type, design and space of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicants which have caused the delay.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Tonka Bay that based on the requirements of the Zoning Ordinance, and taking into consideration the above factors, the Council hereby extends the variances granted until October 14, 2015.

PASSED at a regular meeting of the Tonka Bay City Council this 22nd day of September, 2015.

Motion introduced by _____ and seconded by _____.

Roll Call Vote:

Ayes –
Nays –
Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, City Administrator