

# Memo

**To:** Honorable Mayor and City Council  
**From:** Joe Kohlmann, City Administrator  
**Date:** June 24, 2014  
**Re:** Request to Extend Demolition Period – 50 West Point Ave.

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Attached is a request from one of the property owners of 50 West Point Avenue requesting an extension for the demolition of the house at that address. Council will recall they adopted Resolution 13-25 approving a simple subdivision request whereby this address would be split and added to properties on either side. The resolution also stipulated the demolition must occur by June 15<sup>th</sup>.

As stated in the letter, the closing is taking longer than expected and will not occur until June 16. The owners are requesting a 90-day extension.

Attached are the following:

1. Request from Dave Sturgeon for extension.
2. Original Resolution 13-25 adopted 12/10/13.
3. Proposed resolution amending Resolution 13-25 to extend demolition deadline.

Procedurally, a rescission of Resolution No. 13-25 should be done by new resolution by majority vote. If the City Council decides to grant an extension for compliance, that will be done by a resolution amending Resolution No. 13-25 by a 4/5 vote.

**Council Action Requested:**

Consider request for extension. Direct staff to prepare a resolution for rescission of Resolution NO. 13-25 or prepare a resolution for extension for compliance.

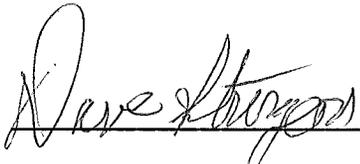
June 18, 2014

City of Tonka Bay

Request to Extend Demolition Period

Approval of resolution No. 13-25 dated December 10, 2013 concerning the Lot Split at 50 West Point Ave. was contingent upon the existing property being razed by June 15, 2014. The closing of the sale of this property did not occur until Monday June 16, 2014. Additionally the demolition company (DNE Excavation) has informed us that due to the extraordinarily high water levels and the close proximity of the house to the lake, they will not be able to demolish the residence until the lake level drops significantly. Therefore the owners, Dave Sturgeon and Tom and Lynn Noll, are requesting a 180 day extension for the demolition of the house at 50 West Point Ave. to Dec. 15, 2014.

Thank you for your consideration,



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Dave Sturgeon

40 West Point Ave.

**RESOLUTION NO. 13-25**

**A RESOLUTION APPROVING SIMPLE SUBDIVISION REQUEST –  
LOT SPLIT/COMBINATION  
DAVID STURGEON, 40 WEST POINT AVENUE AND  
THOMAS NOLL AND LYNN NOLL, 60 WEST POINT AVENUE  
TO SPLIT PROPERTY OWNED BY  
JOHN TALLEY AND CAROL TALLEY, 50 WEST POINT AVENUE**

WHEREAS, David Sturgeon and Thomas Noll and Lynn Noll have made application for a simple subdivision – lot split/combination for which is located in an R-1A Single Family Residential Zoning District; and

WHEREAS, the existing parcels are legally described as:

**A. PARCEL 1 (40 WEST POINT AVENUE):**

That part of Lots 2 and 3, WEST POINT, described as follows: Beginning at a point on the Southeasterly line of said Lot 2 distant 10 feet Southwesterly, measured along said Southeasterly line, from the most Easterly corner of said Lot 2; thence Northwesterly through an iron marker at a point on the Northeasterly line of said Lot 2 distant 188 feet Northwesterly from said Easterly corner of Lot 2, to the shore of Lake Minnetonka; thence Northeasterly along said shore to its intersection with a line hereinafter referred to as "Line A", said "Line A" being described as follows: Beginning at a point on the Southeasterly line of said Lot 3 distant 63.50 feet Southwesterly, measured along said Southeasterly line, from the most Easterly corner of said Lot 3; thence Northwesterly through a point hereinafter referred to as "Point A" to the shore of Lake Minnetonka, and said "Line A" there ending, said "Point A" being described as a point on a line hereinafter referred to as "Line B" drawn from a point on the Northeasterly line of said Lot 3 distant 152 feet Northwesterly from the most Easterly corner of said Lot 3 to a point on the Southwesterly line of said Lot 3 distant 188 Feet Northwesterly from the most Southerly corner of said Lot 3, and said "Point A" being distant 50 feet Southwesterly, measured along said "Line B", from the Northeasterly line of said Lot 3; thence Southeasterly along said "Line A" to the Southeasterly line of said Lot 3; thence Southwesterly along the Southeasterly line of said Lots 2 and 3 to the point of beginning; And that part of vacated street lying Northeasterly of the Southeasterly extension of the Southwesterly line of said above described property, and Northwesterly of a line drawn parallel with and distant 30 feet Northwesterly from the Southeasterly line of West Point Avenue as laid out and dedicated in said plat of WEST POINT; PID #22-117-23-32-0018.

**B. PARCEL 2 (50 WEST POINT AVENUE):**

That part of Lot 3, WEST POINT, described as follows: Beginning at the point of intersection of the Northeasterly line of said lot with the lakeshore survey line shown on said plat of WEST POINT; thence Southeasterly to a point on the Southeasterly line of said lot distant 10 feet Southwesterly from the most Easterly corner of said lot; thence Southwesterly along said Southeasterly line a distance of 53.5 feet; thence Northwesterly through a point on said survey line distant 50 feet Southwesterly from the point of beginning, to the shore of Lake Minnetonka; thence Northeasterly along said shore to its intersection with the Northeasterly line of said lot; thence Southeasterly to the point of beginning; PID #22-117-23-32-0004.

**C. PARCEL 3 (60 WEST POINT AVENUE):**

That part of Lots 3 and 4, WEST POINT, described as follows: Beginning at a point where the line between Lots 3 and 4, said addition, intersects the shore of Lake Minnetonka, said point being the most northerly corner of Lot 3; thence southeasterly to a point in the southeasterly line of Lot 3, distant 10 feet southwesterly from the most easterly corner of said lot; thence in a northeasterly direction along the southeasterly line of said Lots 3 and 4 a distance of 56 feet; thence in a northwesterly direction to a point on the shore of Lake Minnetonka which is 50 feet northeasterly from the point of beginning; thence southwesterly 50 feet to the point of beginning; PID #22-117-23-32-0006.

WHEREAS, Section 1030, Subdivision 5, Exceptions, of the Tonka Bay Subdivision Ordinance states that "when requesting a subdivision, if the following conditions exist, the City Clerk shall bring the request to the attention of the City Council, whereupon the said request shall be reviewed and the City Council may exempt the subdivider from complying with any procedural requirements of the ordinance that are deemed appropriate;" and

WHEREAS, Section 1030, Subdivision F(1), of the Tonka Bay Subdivision Ordinance States "1. Simple Subdivision." In the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot or any structure to be in violation with this Ordinance or the Zoning Ordinance".

WHEREAS, Section 1011.01, Subd. 2(a), of the Tonka Bay Zoning Ordinance states that "Except as provided below, any non-conforming structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended"; and

WHEREAS, Section 1011.01, Subd. 2(j) of the Tonka Bay Zoning Ordinance states that "A lawful non-conforming use of a building, structure, or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity"; and

WHEREAS, the request is to split 50 West Point Avenue (Parcel C) so that portions are added to Parcel A (40 West Point Avenue) and Parcel B (60 West Point Avenue); and

WHEREAS, the proposed lot split/combination will not cause any violations of the setback requirements, minimum lot width or lot area requirements for the R-1A Single Family Residential Zoning District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tonka Bay:

1. Approval of the lot split combination is contingent upon Dave Sturgeon and Thomas Noll acquiring ownership of Parcel 2 (50 West Point Avenue) and combining the portion of Parcel 2 acquired by them with their respective Parcels 1 and 3.
2. Approval of the lot split/combination is contingent upon all structures on Parcel 2 (50 West Point Avenue) being razed by June 15, 2014.
3. The parcels will be divided as follows:
  - A. PARCEL 1 (40 WEST POINT AVENUE):

That part of Lots 2 and 3, WEST POINT, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows: Beginning at a point on the Southeasterly line of said Lot 2 distant 10 feet Southwesterly, measured along said Southeasterly line, from the most Easterly corner of said Lot 2; thence Northwesterly through an iron marker at a point on the Northeasterly line of said Lot 2 distant 188 feet Northwesterly from said Easterly corner of Lot 2, to the shore of Lake Minnetonka; thence Northeasterly along said shore to its intersection with a line hereinafter referred to as "Line C", said "Line C" being described as follows: Beginning at a point on the Southeasterly line of said Lot 3 distant 36.96 feet Southwesterly, measured along said Southeasterly line, from the most Easterly corner of said Lot 3; then Northwesterly through a point hereinafter referred to as "Point B" to the shore of Lake Minnetonka, and said "Line C" there ending, said "Point B" being described as a point on a line hereinafter referred to as "Line B" drawn from a point on the Northeasterly line of said Lot 3 distant 152 feet Northwesterly from the most Easterly corner of said Lot 3 to a point on the Southwesterly line of said Lot 3 distant 188 feet Northwesterly from the most Southerly corner of said Lot 3, and said "Point B" being distant 75.22 feet Northeasterly, measured along said "Line B", from the Southwesterly line of said Lot 3; thence Southeasterly along said "Line C" to the Southeasterly line of said Lot 3; thence Southwesterly along the Southeasterly line of said Lots 2 and 3 to the point of beginning; And that part of vacated street lying Northeasterly of the Southeasterly extension of the Southwesterly line of said above described property, and Northwesterly of a line drawn parallel with an distant 30 feet Northwesterly from the Southeasterly line of West Point Avenue as laid out and dedicated in said plat of WEST POINT.

B. PARCEL 2 (WILL NO LONGER EXIST)

C. PARCEL 3 (60 WEST POINT AVENUE):

That part of Lots 3 and 4, WEST POINT, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows: Beginning at a point where the line between Lots 3 and 4, said addition, intersects the shore of Lake Minnetonka, said point being the most northerly corner of Lot 3; thence southeasterly to a point in the southeasterly line of Lot 3, distant 10 feet southwesterly from the most easterly corner of said lot; thence in a northeasterly direction along the southeasterly line of said Lots 3 and 4 a distance of 56 feet; thence in a northwesterly direction to a point on the shore of Lake Minnetonka which is 50 feet northeasterly from the point of beginning; thence southwesterly 50 feet to the point of beginning. Also that part of said Lot 3 lying northerly and northeasterly of a line hereinafter referred to as "Line C", said "Line C" being described as follows: Beginning at a point on the Southeasterly line of said Lot 3 distant 36.96 feet Southwesterly, measured along said Southeasterly line, from the most Easterly corner of said Lot 3; thence Northwesterly through a point hereinafter referred to as "Point B" to the shore of Lake Minnetonka, and said "Line C" there ending, said "Point B" being described as a point on a line hereinafter referred to as "Line B" drawn from a point on the Northeasterly line of said Lot 3 distant 152 feet Northwesterly from the most Easterly corner of said Lot 3 to a point on the Southwesterly line of said Lot 3 distant 188 feet Northwesterly from the most Southerly corner of said Lot 3, and said "Point B" being distant 75.22 feet Northeasterly, measured along said "Line B", from the Southwesterly line of said Lot 3.

PASSED at a regular meeting of the Tonka Bay City Council this 10th day of December, 2013.

Motion introduced by Anderson and seconded by Clapp.

Roll Call Vote:

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| Ayes –   | Anderson, Ansari, Clapp, De La Vega and Grothe |
| Nays –   | None   |
| Absent – | None   |

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Gerry De La Vega, Mayor

ATTEST:

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Joseph Kohlmann, Clerk/Administrator