

**RESOLUTION NO. 19-XX**

**A RESOLUTION DENYING A VARIANCE TO ALLOW A PROPOSED HOME ADDITION AND DECK TO ENCROACH UPON THE SIDE YARD SETBACK ON THE PROPERTY LOCATED AT 180 WILDHURST ROAD – PID: 28-117-23-12-0011**

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, Robert J Petersen (“Applicant”) submitted an application on behalf of William J McHale Living Trust (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 180 Wildhurst Road (“Property”), which is legally described as follows:

The South 59 feet of the North 175 feet of Lot 6, WILD HURST, as measured along a line drawn perpendicular to the North line of said Lot 6 and its extension West; and

WHEREAS, the Property of the Property Owner is located within the R-1A zoning district within the Shoreland Overlay; and

WHEREAS, the Applicant is requesting the following:

1. **A variance** to the minimum side yard setback distance to allow a proposed home addition and deck to encroach into the side yard setback by 0.4 feet; and

WHEREAS, Thomas Ramler-Olson, Assistant City Planner, and Nick Priesler, City Engineer, issued a report dated April 17, 2019 on the application prepared and submitted by the Applicant, analyzing the request made in relation to City Ordinance criteria and made recommendations if the requests were approved by the City Council; and

WHEREAS, the City Council reviewed the requests on April 23, 2019 and held a public hearing, following the required notices and publication; and

WHEREAS, the City Council, following the public hearing and deliberation on the variance request, directed staff to prepare a resolution for its consideration, and having considered the application, the Planning Report, the resolution prepared by staff, makes the following findings of fact and conclusions:

1. The proposed addition and deck conflict with those sections of code that regulate their implementation on lots with a detached, single-family residential use. Both must comply with the 8-foot side yard setback standard for lots zoned R-1A.
2. There are no unique circumstances on the property not created by the property owner that require the locating the proposed addition and deck within the side yard setback.
3. The variance is contrary to the intent of the zoning ordinance as it requires that both the proposed addition and deck comply with side yard setback standards for principal structures in the R-1A district.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby deny the following request as shown on the Plans provided by the Applicant:

- A variance to the minimum side yard setback distance to allow a proposed home addition and deck to encroach into the side yard setback by 0.4 feet; and

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 23<sup>rd</sup> day of April, 2019.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Ayes –

Nays –

Absent –

\_\_\_\_\_  
Gerry De La Vega, Mayor

ATTEST:

\_\_\_\_\_  
John Tingley, Clerk/Administrator