



**LAKE MINNETONKA CONSERVATION DISTRICT
REQUEST FOR REVIEW AND COMMENTS**

DATE OF REQUEST: June 1, 2016
RESPONSES DUE BY: June 20, 2016

**(Note: Comments on this application are due 10 days from receipt of this notice. Return to:
L.M.C.D., 5341 Maywood Road, Suite 200, Mound, MN 55364)**

FROM: James Brimeyer
Interim Executive Director
PHONE: (952) 745-0789
E-MAIL: jbrimeyer@lmcd.org

TO:
 Municipality: Ms. Lindy Crawford, City of Tonka Bay, 4901 Manitou Road, Tonka Bay, MN 55331
 DNR Area Hydrologist: N.A.
 DNR Area Fisheries Manager: N.A.
 LMCD Board Member Mr. Gregg Thomas (Informational only, no comments requested)

PROPOSAL INFORMATION

Name of Applicant: Jerry Martin **Bay:** Gideon
Address of Project: 10 Crabapple Lane, Tonka Bay, MN 55331

Project Description:

The applicant has submitted an amended site plan to his original variance application from the LMCD Code for an adjusted dock use area and side setback requirements. The amended application moves the dock four feet northward and shortens the dock by four feet. To facilitate this request the City of Tonka Bay will be considering a Limited Use Agreement. The proposed application would amend a previously approved dock use area variance for 10 Crabapple Lane on January 25, 1984, which was later amended on February 26, 1997. The proposed practical difficulties are converging lot lines. A public hearing is scheduled for this application at the LMCD's July 13, 2016 Regular Board Meeting.

COMMENTS ON PROPOSAL

Comments on Project by Reviewer (attach separate sheet if needed): _____

Recommendation of Reviewer: _____

Name of Reviewer: _____ **Title:** _____ **Date:** _____



VARIANCE APPLICATION

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Phone: (952)745-0789
Fax: (952)745-9085

LMCD Receipt # 2016-73

In accordance with LMCD Code Section 1.07, where practical difficulties or particular hardships occur or where necessary to provide access to the handicapped, the Board may permit a variance from the requirements of the Code, or may require a variance from what is otherwise permitted the Code provided that such variance with whatever conditions are deemed necessary by the Board, does not adversely affect the purposes of this ordinance, the public health, safety, and welfare, and reasonable access to or use of the Lake by public or riparian owners. The following application, when completed, shall be filed with the Executive Director of the District along with surveys, photos, and such other information as required.

Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.

The person completing this form is the authorized agent or property owner (select one).

Applicant: Jerry Martin

Address: 10 Crabapple Lane

City, State, Zip: Tonka Bay, MN 55331

Phone: 612-710-3959 Fax: 952-974-9771 Email: jmartinep@aol.com

Property owner (if different from applicant): N/A

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

PROPERTY LOCATION:

The property is located in the city of: Tonka Bay, MN

The property is riparian to LMCD bay/area(s): Gideon, ID #37

TYPE OF VARIANCE: Adjusting Dock Use Area - Side Setback

State practical difficulties and hardships causing variance to be required:
Converging Lot Lines

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APR 15 2016

BY: _____

ABUTTING LAKESHORE PROPERTY OWNERS:

North or West: City of Tonka Bay, 4901 Manitou Road, Tonka Bay, MN 55331

(Name and mailing address)

South or East: William Todd, 20 Crabapple Lane, Tonka Bay, MN 55331

(Name and mailing address)

Other affected parties (attach sheet if necessary):

N/A

(Name and mailing address)

Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditors Office, (612) 348-5910 (or a private abstract company) which can provide actual mailing labels at a cost of \$1.25 per tax parcel (minimum of \$25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.

Documents listed below are required; check that they are attached:

- Locator Map** (U.S.G.S area map with scale, North direction, Site clearly marked, Name or Title, LMCD Area Name, LMCD number)
- County Plat Map** (Site clearly marked, Name, LMCD area name, LMCD number)
- Certified Land Survey** (Legal description, Name, LMCD area name, LMCD number, 929.4 N.G.V.D. shoreline)
- Proposed facility site plan** (to scale, 929.4' N.G.V.D. shoreline, LMCD area name, LMCD number, Scale, North direction, affected neighbors, locate setback area, locate dock use area, location of dock structure with dimensions and slip numbers, indicate type of slip if applicable)
- Existing facility site plan**, if applicable (to scale, 929.4' N.G.V.D. shoreline, LMCD area name, LMCD number, Scale, North direction, affected neighbors, locate setback area, locate dock use area, location of dock structure with dimensions and slip numbers, indicate type of slip if applicable)
- Scaled drawing of docks on abutting properties** and other affected dockage

Absence of significant data requested above could result in a processing delay.

FEE CALCULATION

APPLICATION FEE (non-refundable) \$250.00
DEPOSIT (refundable, upon full compliance with the Code and extent of administrative, inspection and legal service required) <u>+\$250.00</u>

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BY: _____

Variance Application

TOTAL FEE ENCLOSED..... (this fee is for processing of the application and does not entitle the applicant to a variance) . . . \$500.00

I certify that the information provided herein and the attachments hereto are true and correct; I understand that any variance granted may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the District in excess of the amount of the application fee. I consent to permitting officers and agents of the District to enter the premises at reasonable times to investigate and to determine whether or not the Code of the District is being complied with.

I agree to submit a certified as-built survey upon completion of the docks.



Authorized Signature

4-12-15

Date

Owner

Title

Relationship to Owner

Return this application, attachments and fee to:

**Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Fax: (952) 745-9085**

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APR 15 2016

BY:_____

LAKE MINNETONKA CONSERVATION DISTRICT
RE: Application of Boyce/Arnott

MAR 7 1984
L.M.C.D.

FINDINGS

John Arnott, 20 Crabapple Lane, Tonka Bay, applied for a variance to establish his dock use area and that of his neighbor, David Boyce of 10 Crabapple Lane. These dock use areas are located on the southwest corner of the Tonka Bay channel off Gideon Bay, LMCD Area 31. A hearing on the matter was held September 14, 1983, at the offices of the Excelsior City Hall.

Mr. Arnott, Mr. David Boyce, and the City of Tonka Bay request that the LMCD establish the dock use area for properties at 10 and 20 Crabapple Lane, Tonka Bay.

Mr. Boyce has 23 feet of frontage on the lake.

The westerly lot line of Mr. Arnott's property when extended, parallels the shore line of Mr. Boyce's property. The Arnott dock use area takes up, in effect, one hundred percent of the Boyce dock use area. In order to allow each riparian owner reasonable access to the lake, it is necessary to adjust the dock use areas of John Arnott and David Boyce.

A 23-foot dock use area with 5-foot setbacks on the Boyce property would allow a 3-foot wide dock and two 5-foot boats, or one wider boat, to be stored.

A 5-foot setback on the Arnott property would also allow John Arnott to continue use of his existing docks.

ORDER

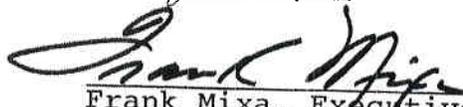
On the basis of the foregoing,

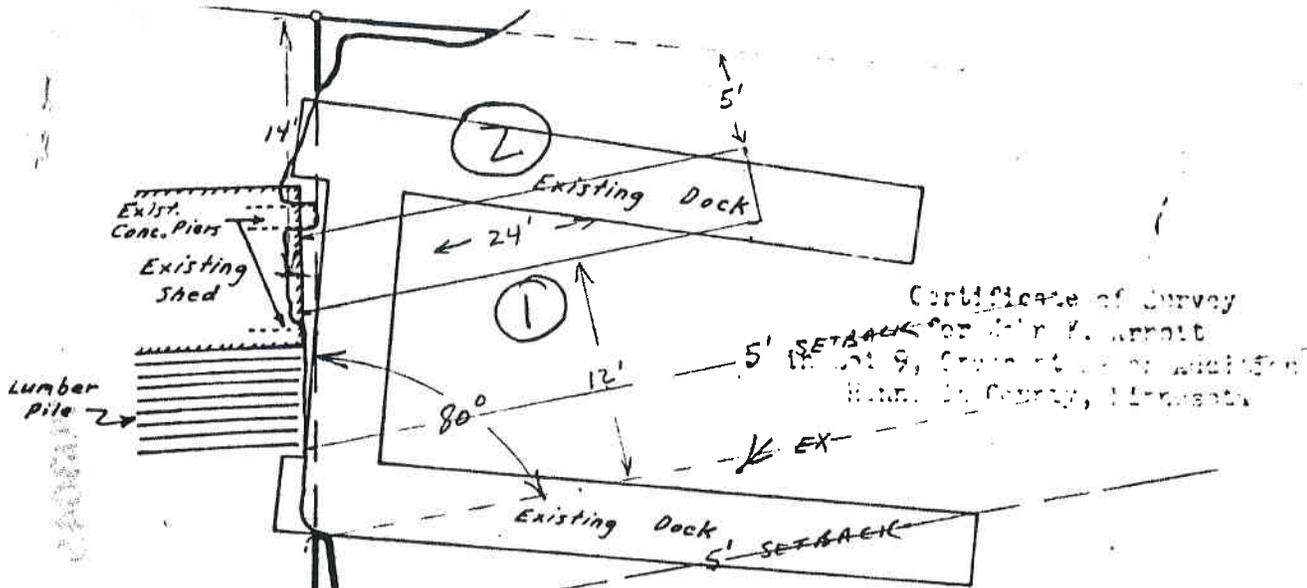
IT IS ORDERED:

That a setback variance be granted to David Boyce and John Arnott, based on the site plan of 11-4-83, attached hereto and their respective dock use areas be adjusted accordingly.

The variance issued hereby shall grant no vested right to the use of Lake Minnetonka. Such use shall remain at all times subject to regulation by the District to assure the public of reasonable and equitable access to the lake.

By order of the Board of Directors of the Lake Minnetonka Conservation District this 25th day of January, 1984.


Frank Mixa, Executive Director



LAKE MTKA.

Boyer



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929.4 Contour

I hereby certify that
 this is a true and cor-
 rect representation of a
 survey of the location of the
 929.4-foot contour line
 (NGVD-1929) in the northern part
 of Lot 9, Crescent Beach Addition, in
 relation to the west line of said Lot 9.
 Further I do not certify.

GORDON R. COFFIN CO., INC.

Mark S. Grenberg
 Gordon R. Coffin Reg. No. 8001
 Mark S. Grenberg Reg. No. 12755
 Land Surveyors and Planners
 Long Lake, Minnesota

Scale: 1" = 10'
 Date: 2-17-83
 o : Iron marker

Boyer / Arnoth Varner
 11/4/83 (M)

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LAKE MINNETONKA CONSERVATION DISTRICT
RE: Application of Bill and Sheila Todd

FINDINGS

The applicants, Bill and Sheila Todd, have applied for a side setback variance for their property located at 20 Crabapple Lane on Gideon's Bay in the City of Tonka Bay. Pursuant to due notice, a public hearing on the application was held at 7:00 p.m., February 12, 1997, at the Tonka Bay City Hall.

The parcel at 20 Crabapple Lane was the subject of a variance order dated January 25, 1984, which established dock use areas for the properties at 10 Crabapple Lane and 20 Crabapple Lane. The applicant seeks the amendment of the dock use area provided by that order to allow construction and maintenance of a permanent 6 foot by 40 foot dock to replace an existing 3 foot by 25 foot dock.

The property at 20 Crabapple Lane has a dock use area which is significantly affected by two factors. The first is that much of the dock use area is shallow water, reaching 4 feet only in a small portion of the dock use area. The second is that a significant part of what otherwise would have been the dock use area for 20 Crabapple Lane has been eliminated to create a dock use area for the property at 10 Crabapple Lane.

The Board finds that a hardship exists within the meaning of Section 1.07 of the LMCD Code of Ordinances and that a variance, subject to the terms and conditions hereinafter set forth, is warranted.

ORDER

On the basis of the foregoing, IT IS ORDERED:

That a variance for the construction of a 6 foot wide permanent dock at a zero foot setback from the easterly lot line of 20 Crabapple Lane is granted subject to the following conditions:

1. The dock shall not be a permanent dock unless the applicant secures the appropriate permit from the LMCD.
2. No canopies shall be erected or maintained at the dock facility.
3. No boats or watercraft may be stored on the easterly side of the dock facility.

4. The dock facility shall be constructed in the location and configuration shown on the dock plan attached to this Order as Attachment One.
5. The length of the dock shall be limited so that the closest point of the northwest corner of the dock structure shall be no closer than 30 feet from the closest point of the dock authorized for 10 Crabapple Lane by the Order of January 25, 1984.

The order of the Board of Directors of January 25, 1984, relating to the dock use areas for 10 and 20 Crabapple Lane is hereby modified to the extent of any inconsistency herewith.

The variance issued hereby shall grant no vested right to the use of Lake Minnetonka. Such use shall remain at all times subject to regulation by the District to assure the public of reasonable and equitable access to the lake.

By Order of the Board of Directors of the Lake Minnetonka Conservation District this 26 day of February, 1997.



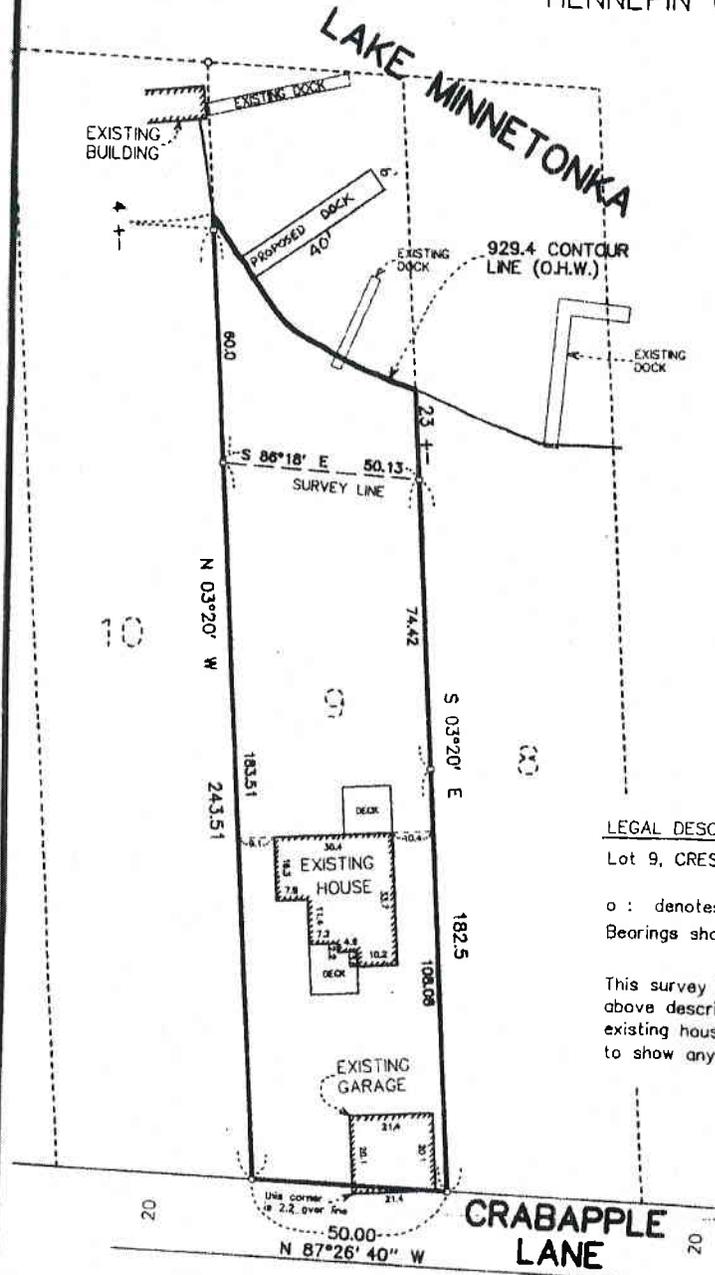
Douglas Babcock, Chair

ATTEST:



Joseph Zwak, Secretary

CERTIFICATE OF SURVEY FOR
SHEILA TODD
 OF LOT 9, CRESCENT BEACH ADDITION
 HENNEPIN COUNTY, MINNESOTA

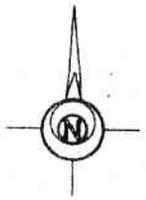


Attachment
 One

LEGAL DESCRIPTION OF PREMISES :
 Lot 9, CRESCENT BEACH ADDITION

o : denotes iron marker
 Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of an existing house and garage thereon. It does not purport to show any other improvements or encroachments.



COFFIN & GRONBERG, INC.
 1115 Hennepin Avenue, Suite 200
 Minneapolis, MN 55403
 612-338-4177

I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a duly registered Civil Engineer and Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg
 Mark S. Gronberg Minnesota License Number 12755

DATE	12-10-96
SCALE	1" = 30'
JOB NO.	96-442