CITY OF TONKA BAY
4901 Manitou Road
Tonka Bay MN 55331
952-474-7994
www.cityoftonkabay.net

CONDITIONAL USE PERMIT APPLICATION

RECEIVED
OCT 07 2015
CITY OF TONKA BAY

Application fee: $150.00
The application fee is used to cover publication costs, County recording fees, postage and other supplies.

Escrow fee: $1,150.00
The escrow fee is charged to cover staff expenses, engineering, planning and attorney expenses (as billed) which may be incurred because of your application. All staff time is billed at the regular employee rate plus 30% for overhead costs, which includes benefits, buildings, lights, heat, etc.

Any remaining funds, after expenses, are returned to the applicant. Expenses incurred over $1100 will be billed to the applicant.

APPLICATION DATE 10-5-2015

SITE ADDRESS (or legal description) 160 Sunrise Ave Tonka Bay, MN 55331
PID NUMBER 2711723240658

NAME OF PROPERTY OWNER(S) Robert L. Steele

MAILING ADDRESS 160 Sunrise Ave. Tonka Bay MN 56331
Street Address City State Zip

PHONE 312-330-8810 E-mail address bay2bay22@gmail.com

NAME OF APPLICANT(S) (if different from above) 4 Square Builders Inc.

MAILING ADDRESS 2718 9th St. East Glencoe MN 55336
Street Address City State Zip

PHONE 320-864-6183 E-mail address 4square@embarqmail.com

Initial where indicated that you have read and understand the requirement(s).

OW **A. All property owners must sign as co-applicants.**

OW **B. The property corners and proposed construction must be flagged/staked at the time of the application and maintained until the council makes a determination.**

OW **C. Survey Requirements:**

INITIAL SURVEY

Every application for building permit (excluding interior remodels, re-roofs, re-siding and general maintenance) and land use request shall be accompanied by a certified survey at a scale and in the following quantities:

Building Permits:

- Three sets of a current registered land survey
- Three sets building plans

Land Use Requests (Pre-application, Variance, Conditional Use Permit):

- Eleven copies of a current registered land survey showing existing use (11 x 17)
- Eleven copies of a registered land survey showing proposed use (11 x 17)
- Eleven sets of building plans (11 x 17)

Surveys should include but not be limited to:

- Existing and proposed structures to include accessory structures and air conditioning units
- Building setbacks (front, rear, side, and lake including average setback)
- Existing average ground level at the corners of the proposed structure. This also needs to be calculated out on the survey notes.
- Lowest floor elevation.
- Current and proposed elevations for garage floor, basement floor and foundation top.
- Wetlands and ordinary high water mark elevations.
- Lot lines.
- Lot area above the ordinary high water mark
- All adjacent structures within 100 feet of property (show the setback from ordinary high water mark).
- Drainage plan (one-foot contours).
- Hardcover calculations.
- Easements (road, utility and private).
- Floor area ratio.

FOUNDATION SURVEY

As-built foundation survey required prior to completing a foundation inspection (unless waived in accordance with the City's survey exemption policy) and shall include:

- Shall certify final setbacks of the structure being built
- Shall certify elevations at which the new structure exists.
- Failure to provide the foundation survey is in direct violation of this ordinance
- Expenditures incurred beyond the construction of the foundation will not be considered in determining the actions required to bring the building back into conformance if not built to approved plans.

AS-BUILT SURVEY

Required upon completion of new construction work (unless waived in accordance with the City's survey exemption policy) and shall include the following:

- Shall certify the final topography of the site.
- Shall verify the drainage patterns existing upon completion of work
- Shall include the distance from average ground level to the highest roof peak.
- Shall include any additional information needed by the city to ensure compliance with code.

The city reserves the right to withhold the certificate of occupancy for dwelling units until final grading addresses all problems that may be detrimental to adjacent properties.

D. The applicant or representative thereof shall appear before the City Council to answer questions concerning the proposed conditional use permit. See attached public hearing information sheet.

Submit with Application:

1. Eleven (11) to scale copies and Eleven (11) reduced (8-1/2" x 11" or 11" x 17") copies of a certified survey of the property. The survey shall include all information necessary to enforce applicable zoning regulations. Such information may include but is not limited to:
   - Location and Floor Area of existing and proposed structures
   - Lot Lines
   - Parcel size in acres and square feet
   - Building setbacks (closest point of building to each property line)
   - Low floor elevations of existing and proposed structures
   - Water features (lakeshore, wetlands, etc.)
   - Existing and proposed topography – including ground elevations at corners of existing and proposed structures.
   - General location of vegetation
   - Location of structures on adjacent lots
   - Easements
   - Existing and proposed impervious surface calculations.
   - Location of public and private sewer lines or wells.
2. Hardcover calculation – current and proposed
3. Floor area ratio – current and proposed
4. Shoreland impact plan (see following page)
5. Landscape plan and grading and drainage plan (current and proposed)
6. Payment

Additional Information

1. The request shall be considered as being officially submitted and the application timeline commences when all the information requirements are in compliance.
2. The request for conditional use permits shall be placed on the agenda of the first City Council meeting occurring at least thirty (30) days from the date of official submission unless waived by the Zoning Administrator. Upon receipt of a completed application, the Zoning Administrator shall set a public hearing for a regular meeting of the City Council. The City Council shall conduct the hearing.
3. Notice of said hearing shall be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all property owners within three hundred fifty (350) feet of the boundary of the property in question.
4. For properties within the Shoreland, Floodway or Flood Fringe Overly District, the City will submit to the Commissioner of Natural Resources a copy of the application for proposed conditional use permits so that the Commissioner will receive at least ten (10) days notice of the hearing.
5. A variance of the Ordinance shall be by four-fifths (4/5) vote of the entire City Council.
6. If approved, the conditional use permit 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 permit.
7. Prior to approving an application for a conditional use permit, the City will verify ownership and that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the permit application relates.

1070.16 SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT

Subd. 1. **Shoreland Impact Plan.** Except for situations listed below, landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within the Shoreland District within the City of Tonka Bay shall first submit a conditional use permit application as regulated by Section 1003 of the Zoning Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural conditions of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the Shoreland Impact Plan shall be to eliminate potential pollution, erosion and siltation.

Subd. 2. **Feasibility.** Where strict conformity with provisions of this section is not possible, the requirements specified herein may be exceeded subject to a conditional use permit and shoreland impact plan set forth in this section and with approval by the Minnehaha Creek Watershed District and the City Engineer where applicable.

Subd. 3. **Conditions.** All conditional use permits for consideration under this section shall be subject to the following conditions:

a. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
b. Storm water treatment measures including, but not limited to, sediment basis (debris basins), de-silting basins or silt traps, installation of debris guards, and microsilt basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and Minnehaha Creek Watershed District on projects where applicable.
c. Projects shall be analyzed by the City in terms of provisions for maintenance and enhancement of landscape features, change in the natural condition of the soil, removal of trees, grade courses and marshes. The land shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting as many trees as possible which are proposed to be removed.
d. Projects shall be analyzed by the City in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
e. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.
f. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning districts for which the project was proposed.
g. All projects shall be in conformance with the Shoreland Management Plan, Comprehensive Plan, and Zoning and Subdivision Ordinances of the City of Tonka Bay.
h. All projects shall be subject to review by the Minnehaha Creek Watershed District and the City Engineer.

Signature of Applicant

Signature of Property Owner Bob

Signature of Applicant

Signature of Property Owner

This Section Completed by Staff			
FEE	FOR	DATE PAID	STAFF INITIALS
$ 150.00	Application Fee	10/7/15	CH
$1,150.00	Escrow Fee*		

CITY OF TONKA BAY
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VARIANCE APPLICATION

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PID NUMBER 27117232 40058

NAME OF PROPERTY OWNER(S) Robert L. Steele
MAILING ADDRESS 160 Sunrise Ave (Street Address) Tonka Bay (City) MN 55331 (State Zip)

PHONE 312-330-8110 E-MAIL bay2bay22@gmail.com

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   - Location of structures on adjacent lots
   - Easements
   - Existing and proposed impervious surface calculations.
   - Location of public and private sewer lines or wells.
2. Hardcover calculation – current and proposed
3. Floor area ratio – current and proposed
4. Landscape plan and grading and drainage plan (current and proposed)
5. Payment

Additional Information

A. The request for variances shall be placed on the agenda of the first City Council meeting occurring at least thirty (30) days from the date of official submission unless waived by the Zoning Administrator. Upon receipt of a completed application, the Zoning Administrator shall set a public hearing for a regular meeting of the City Council. The City Council shall conduct the hearing.

B. Notice of said hearing shall be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all property owners within three hundred fifty (350) feet of the boundary of the property in question.

C. For properties within the Shoreland, Floodway or Flood Fringe Overly District, the City will submit to the Commissioner of Natural Resources a copy of the application for proposed variances so that the Commissioner will receive at least ten (10) days notice of the hearing.

D. The applicant or representative thereof shall appear before the City Council to answer questions concerning the proposed variance.

E. A variance of the Ordinance shall be by four-fifths (4/5) vote of the entire City Council.

F. If approved, 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 permit.

G. Prior to approving an application for a variance, the City shall verify ownership, and that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the permit application relates.

H. By state statute, there are three definitive criteria that all variances must address. The three criteria are as follows:

1. Is the variance request reasonable? The hardship requirement does not mean that a property owner must show the land cannot be put to any reasonable use without the variance. Rather, the property owners must show that they would like to use their property in a reasonable manner that is prohibited by the ordinance.
2. Does the application present unique circumstances?
3. If approved, would the variance alter the essential character of the locality?

1004.02 GENERAL PROVISIONS AND STANDARDS

Subd. 3. Review Criteria. In considering all requests for a variance and in taking subsequent action, the City Council shall make a finding of fact that the proposed action will not:

a. Impair an adequate supply of light and air to adjacent property.
b. Unreasonably increase the congestion in the public street.
c. Increase the danger of fire or endanger the public safety.
d. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Ordinance.
e. Violate the intent and purpose of the Comprehensive Plan.
f. Violate any of the terms or conditions of Subd. 4., below.

Subd. 4. Conditions. A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:

a. Undue hardship will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
   1. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
   2. Undue hardship caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this Chapter.
b. Literal interpretation of the provisions of this Ordinance would deprive the applicant

of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use.

c. The special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.

d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions.

Signature of Applicant

Signature of Property Owner - Bob

Signature of Applicant

Signature of Property Owner

This Section Completed by Staff			
FEE	FOR	DATE PAID	STAFF INITIALS
$150.00	Application Fee	10-7-15	
$1,150.00	Escrow Fee*	10-7-15	

Existing

CITY OF TONKA BAY
4901 Manitou Road
Tonka Bay MN 55331
Phone: 952-474-7994
www.cityoftonkabay.net

HARDCOVER CALCULATION WORKSHEET

EXISTING AND PROPOSED HARDCOVER

ADDRESS: 160 Sunrise Ave Tonka Bay MN 55331

A. HOUSE		X		=	805	S.F.
		X		=		S.F.
		X		=		S.F.
		X		=		S.F.
		X		=		S.F.
B. GARAGE		X		=		S.F.
		X		=		S.F.
C. DRIVEWAY		X		=	628	S.F.
		X		=		S.F.
D. SIDEWALK		X		=		S.F.
		X		=		S.F.
E. PATIO/DECK		X	Front →	=	55	S.F.
		X	Rear →	=	34	S.F.
F. OTHER		X		=		S.F.
		X		=		S.F.

TOTAL HARDCOVER	1650	S.F.
(divided by) TOTAL LOT SIZE	4600	S.F.
(equals) HARDCOVER PERCENTAGE	35.87	%

APPROVED: _____ DATE: _____

COMMENTS: _____

Proposed

CITY OF TONKA BAY
4901 Manitou Road
Tonka Bay MN 55331
Phone: 952-474-7994
www.cityoftonkabay.net

HARDCOVER CALCULATION WORKSHEET

EXISTING AND PROPOSED HARDCOVER

ADDRESS: 160 Sunrise Ave Tonka Bay MN 55331

A. HOUSE		X		=	+539	S.F.
		X		=		S.F.
		X		=		S.F.
		X		=		S.F.
		X		=		S.F.
B. GARAGE		X		=		S.F.
		X		=		S.F.
C. DRIVEWAY		X	New	=	+393	S.F.
		X	Exist.	=	-628	S.F.
D. SIDEWALK		X		=		S.F.
		X		=		S.F.
E. PATIO/DECK		X	Rear →	=	+100	S.F.
		X	Front →	=	- 55	S.F. (Exist.)
F. OTHER		X		=		S.F.
		X		=		S.F.

TOTAL HARDCOVER	+243	S.F.
(divided by) TOTAL LOT SIZE	4600	S.F.
(equals) HARDCOVER PERCENTAGE	41.15	%

APPROVED: _____ **DATE:** _____

COMMENTS: