



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

VARIANCE APPLICATION

RECEIVED

OCT 20 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 10.19.15

SITE ADDRESS (or legal description) 60 Wildhurst Rd, Tonka Bay, MN 55331
 PID NUMBER 2811723240044

NAME OF PROPERTY OWNER(S) Wendy + Dike McMahon
 MAILING ADDRESS 60 Wildhurst Rd, Tonka Bay, MN 55331
Street Address City State Zip

PHONE 612.618.3669 E-MAIL Irishnw22@yahoo.com

NAME OF APPLICANT(S) (if different from above) Dan Murphy

MAILING ADDRESS 1515 5th St. South Hopkins MN 55343
Street Address City State Zip

PHONE 952.435.9469 E-MAIL dan.ckuhl@designbuild.com

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

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



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. 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 Overlay 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:

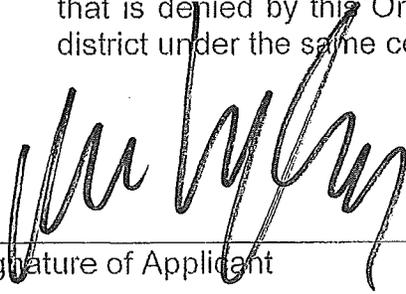
- a. Impair an adequate supply of light and air to adjacent property.
- b. Unreasonably increase the congestion in the public street.
- c. Increase the danger of fire or endanger the public safety.
- d. Unreasonably diminish or impair established property values within the neighborhood, or in any way 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.

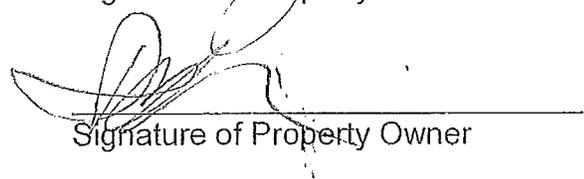
- c. The special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions.



Signature of Applicant



Signature of Property Owner



Signature of Applicant

Signature of Property Owner

This Section Completed by Staff			
FEE	FOR	DATE PAID	STAFF INITIALS
\$150.00	Application Fee	10/20/15	CA
\$1,150.00	Escrow Fee*	10/20/15	

10-20-15

Variance request Statement
60 Wildhurst Road
Tonka Bay, MN

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.

We are requesting two variances with this application. One is for the height of the garage structure and the other is for the square footage of the space. I would like to address each items.

The ridge height of the structure is due to the the desire to match the existing architecture of the house. By matching the pitch of the house we will have a ridge height that exceeds the 15' requirement. Due to the increased height we have deliberately increased the side yard set back to 16' to ensure there is not adverse affect to any neighbor. This request for additional height also does not impact the lake site line for any rear neighbors.

The other request of for an additional 213 (+/-) sq/ft. I feel this is a very reasonable request due to the fact that we are creating a space that is actually smaller than the existing structure we are removing.

Does the application present unique circumstances?

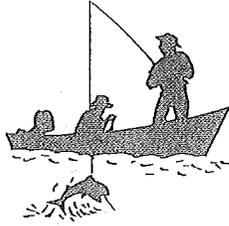
The request for ridge height is based on the existing structures architecture and the desire to improve the look of the neighborhood.

The square footage request is necessary for how the space will be used. The ultimate use of the new garage will be a ski-tuning, ski workshop, all around ski room. The current house has compromised ceiling heights, a spiral stairs to the basement and very limited usable space. The current garage is used for this activity as well as storage. The homeowner would like to improve the esthetic appearance of the garage while also creating a space to work on skis and watch ski movies with the family. With no useable space in the existing basement and the fact that we are ultimately decreasing the footprint of the garage we are showing that this is a unique circumstance and we are trying to minimize any excessive need.

If approved, would the variance alter the essential character of the locality?

Because we are decreasing the size of the footprint and matching the look and the feel of the existing structure we will be bettering the character of the locality.

In closing: In essence we are trying to create an architecturally pleasing garage. That will not only improve the look of the neighborhood.



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

**HARDCOVER
 CALCULATION
 WORKSHEET**

**EXISTING AND
 PROPOSED HARDCOVER**

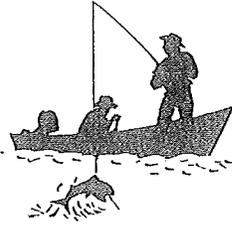
ADDRESS: 60 Wildhurst Rd Est.

A. HOUSE	_____	X	_____	=	<u>3516</u>	S.F.
	_____	X	_____	=	<u>128</u>	S.F.
	_____	X	_____	=	_____	S.F.
	_____	X	_____	=	_____	S.F.
	_____	X	_____	=	_____	S.F.
B. GARAGE	_____	X	_____	=	<u>1330</u>	S.F.
	_____	X	_____	=	_____	S.F.
C. DRIVEWAY	_____	X	_____	=	<u>4750</u>	S.F.
	_____	X	_____	=	_____	S.F.
D. SIDEWALK	_____	X	_____	=	<u>135</u>	S.F.
	_____	X	_____	=	_____	S.F.
E. PATIO/DECK	_____	X	_____	=	<u>1016</u>	S.F.
	_____	X	_____	=	<u>400</u>	S.F.
F. OTHER	_____	X	_____	=	_____	S.F.
	_____	X	_____	=	_____	S.F.

TOTAL HARDCOVER	<u>11,275</u>	S.F.
(divided by) TOTAL LOT SIZE	<u>60,600</u>	S.F.
(equals) HARDCOVER PERCENTAGE	<u>18.6%</u>	%

APPROVED: _____ DATE: _____

COMMENTS:



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

**HARDCOVER
 CALCULATION
 WORKSHEET**

**EXISTING AND
 PROPOSED HARDCOVER**

ADDRESS: 60 Wildhurst Rd prop.

A. HOUSE	_____	X	_____	=	<u>3516</u>	S.F.
	_____	X	_____	=	<u>4218</u>	S.F.
	_____	X	_____	=	<u>128</u>	S.F.
	_____	X	_____	=	_____	S.F.
	_____	X	_____	=	_____	S.F.
B. GARAGE	_____	X	_____	=	<u>1218</u>	S.F.
	_____	X	_____	=	_____	S.F.
C. DRIVEWAY	_____	X	_____	=	<u>4115</u>	S.F.
	_____	X	_____	=	<u>5102</u>	S.F.
D. SIDEWALK	_____	X	_____	=	<u>245</u>	S.F.
	_____	X	_____	=	_____	S.F.
E. PATIO/DECK	_____	X	_____	=	<u>1016</u>	S.F.
	_____	X	_____	=	<u>480</u>	S.F.
F. OTHER	_____	X	_____	=	<u>132</u>	S.F.
	_____	X	_____	=	_____	S.F.

TOTAL HARDCOVER 11,756 S.F.
 (divided by) TOTAL LOT SIZE 60,600 S.F.
 (equals) HARDCOVER PERCENTAGE 19.3 %

APPROVED: _____ DATE: _____

COMMENTS: _____

RECEIVED D

CITY OF TONKA BAY
CONDITIONAL USE PERMIT APPLICATION
Phone: (952) 474-7994 Fax: (952) 474-6538
www.cityoftonkabay.net

OCT 21 2015 5

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 10.21.15

SITE ADDRESS (or legal description) 60 Wildhurst Rd.
PID NUMBER _____

NAME OF PROPERTY OWNER(S) Wendy + Dick McMahon

MAILING ADDRESS 60 Wildhurst Dr. Tonka Bay MN 55391
Street Address City State Zip

PHONE 612.618.3669 E-mail address Irishm-vzz@yahoo.com

NAME OF APPLICANT(S) (if different from above) Dan Murphy (Kuhl Design build)

MAILING ADDRESS 1515 5th St. S. Hopkins MN 55391
Street Address City State Zip

PHONE 952.935.9464 E-mail address dan@kuhlDesignbuild.com

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

- A. All property owners must sign as co-applicants.
- 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.
- C. Survey Requirements:
 - 1. Initial Survey
Every application for building permit (excluding interior remodels, re-roofs, re-siding and general maintenance) shall be accompanied by a certified survey at a scale and in quantities deemed necessary by the City of Tonka Bay unless waived in accordance with the City's survey exemption policy (attached). Because the survey will be used to determine an application's conformance

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 Overlay 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

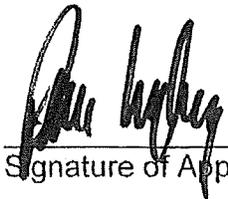
Subd. 1. Shoreland Impact Plan. Except for situations listed below, landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within the Shoreland District within the City of Tonka Bay shall first submit a conditional use permit application 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.

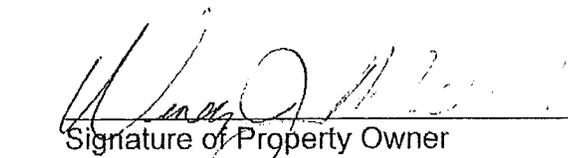
Subd. 3. Conditions. All conditional use permits for consideration under this section shall be subject to the following conditions:

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

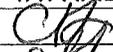


 Signature of Property Owner

 Signature of Applicant



 Signature of Property Owner

This Section Completed by Staff			
FEE	FOR	DATE PAID	STAFF INITIALS
\$150.00	Application Fee	10-21-15	
\$1,150.00	Escrow Fee*	"	

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**CITY OF TONKA BAY
HARDCOVER CALCULATION WORKSHEET
EXISTING AND PROPOSED HARDCOVER**

4901 Manitou Road
Tonka Bay MN 55331
Phone: 952-474-7994 Fax: 952-474-6538
www.cityoftonkabay.net

ADDRESS: 60 Wildhurst Dr. Ext.

A. HOUSE	_____	X	<u>House</u>	=	<u>3415</u>	S.F.
	_____	X	<u>Porch</u>	=	<u>201</u>	S.F.
	_____	X	<u>boat house</u>	=	<u>233</u>	S.F.
	_____	X	_____	=	_____	S.F.
	_____	X	_____	=	_____	S.F.
B. GARAGE	_____	X	_____	=	<u>1305</u>	S.F.
	_____	X	_____	=	_____	S.F.
C. DRIVEWAY	_____	X	_____	=	<u>4289</u>	S.F.
	_____	X	_____	=	_____	S.F.
D. SIDEWALK	_____	X	_____	=	<u>1157</u>	S.F.
	_____	X	_____	=	<u>270</u>	S.F.
E. PATIO/DECK	_____	X	_____	=	<u>710</u>	S.F.
	_____	X	_____	=	_____	S.F.
F. OTHER	_____	X	_____	=	<u>684</u>	S.F.
	_____	X	_____	=	_____	S.F.
TOTAL HARDCOVER					<u>12,264</u>	S.F.
(divided by) TOTAL LOT SIZE					<u>60,678</u>	S.F.
(equals) HARDCOVER PERCENTAGE					<u>20.21</u>	%

APPROVED: _____ DATE: _____

COMMENTS:

**CITY OF TONKA BAY
HARDCOVER CALCULATION WORKSHEET
EXISTING AND PROPOSED HARDCOVER**

4901 Manitou Road
Tonka Bay MN 55331
Phone: 952-474-7994 Fax: 952-474-6538
www.cityoftonkabay.net

ADDRESS: 60 Wildhurst Dr. Proposed

A. HOUSE	<u> </u>	X	<u>House</u>	=	<u>3415</u>	S.F.
	<u> </u>	X	<u>Porch</u>	=	<u>201</u>	S.F.
	<u> </u>	X	<u>boat house</u>	=	<u>233</u>	S.F.
	<u> </u>	X	<u> </u>	=	<u> </u>	S.F.
	<u> </u>	X	<u> </u>	=	<u> </u>	S.F.
B. GARAGE	<u> </u>	X	<u> </u>	=	<u>1604</u>	S.F.
	<u> </u>	X	<u> </u>	=	<u> </u>	S.F.
C. DRIVEWAY	<u> </u>	X	<u> </u>	=	<u>4042</u>	S.F.
	<u> </u>	X	<u> </u>	=	<u> </u>	S.F.
D. SIDEWALK	<u> </u>	X	<u> </u>	=	<u>1351</u>	S.F.
	<u> </u>	X	<u> </u>	=	<u> </u>	S.F.
E. PATIO/DECK	<u> </u>	X	<u> </u>	=	<u>710</u>	S.F.
	<u> </u>	X	<u> </u>	=	<u> </u>	S.F.
F. OTHER	<u> </u>	X	<u> </u>	=	<u>684</u>	S.F.
	<u> </u>	X	<u> </u>	=	<u> </u>	S.F.
			TOTAL HARDCOVER		<u>12240</u>	S.F.
			(divided by) TOTAL LOT SIZE		<u>60,678</u>	S.F.
			(equals) HARDCOVER PERCENTAGE		<u>20.17</u>	%

APPROVED: _____ DATE: _____

COMMENTS: Storage trusses will be used c proposed
garage addition. there will/may be a pull down ladder
to access space.

FAR CALC

CITY OF TONKA BAY
~~HARDCOVER CALCULATION WORKSHEET~~
~~EXISTING AND PROPOSED HARDCOVER~~

4901 Manitou Road
 Tonka Bay MN 55331
 Phone: 952-474-7994 Fax: 952-474-6538
 www.cityoftonkabay.net

ADDRESS: 60 Wildhurst Dr. (Proposed)

A. HOUSE	<u>1st fl</u>	X	<u>House</u>	=	<u>3464</u>	S.F.
		X		=		S.F.
	<u>2nd fl</u>	X	<u>House</u>	=	<u>2440</u>	S.F.
		X		=		S.F.
		X		=		S.F.
B. GARAGE		X		=	<u>1604</u>	S.F.
		X		=		S.F.
C. DRIVEWAY		X		=		S.F.
		X		=		S.F.
D. SIDEWALK		X		=		S.F.
		X		=		S.F.
E. PATIO/DECK		X		=		S.F.
		X		=		S.F.
F. OTHER		X	<u>part house</u>	=	<u>233</u>	S.F.
		X		=		S.F.

FAR
 TOTAL HARDCOVER 7741 S.F.
 (divided by) TOTAL LOT SIZE 60,678 S.F.
 (equals) HARDCOVER PERCENTAGE 12.75 %

APPROVED: _____ DATE: _____

COMMENTS: We will be using storage trusses in the
proposed garage, adding no usable square footage.