



CITY OF TONKA BAY
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ITEM NO. 9A

Memo

To: Mayor and City Council
From: Lindy Crawford, City Administrator
Date: September 22, 2015
Re: Variance Extension Request –Jennings, 35 West Point Avenue

Ann Marie Jennings at 35 West Point Avenue has submitted a request to extend the variances and conditional use permit approved on October 14, 2014. Please review the attached letter containing the reasons for the extension request.

Background

Under normal circumstances the original approvals expire one year after approval. The resolution approving the original approval, Resolution 14-32, is included for your review. The ordinance clearly requires the extension application be received 30 days prior to the expiration date. The City Council should consider the timeliness of the request.

The Zoning Ordinance Section 1004.04 states that:

LAPSE OF VARIANCE.

Subd. 1. Timeline. Unless the City Council specifically approves a different time when action is officially taken on the request, 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 variance. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.

Subd. 2. Application. An application to extend the approval of a variance shall be submitted to the Zoning Administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction. The application shall be heard and decided by the City Council prior to the lapse of approval of the original request.

Subd. 3. Determination. In making its determination on whether an applicant has made a good faith attempt to utilize the variance, the City Council shall consider such factors

as the type, design and space of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

Attachments:

Request for Variance Extension Letter
Original Staff Report
Original Surveys
Original Resolution
Meeting Minutes of 10-14-14
Resolution 15-22

Council Action Requested:

Motion to adopt the attached resolution extending the variances granted to 35 West Point Avenue until October 14, 2015.