



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

VARIANCE APPLICATION

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 _____

SITE ADDRESS (or legal description) _____

PID NUMBER _____

NAME OF PROPERTY OWNER(S) _____

MAILING

ADDRESS _____

Street Address

City

State Zip

PHONE _____

E-MAIL _____

NAME OF APPLICANT(S) (if different from above) _____

MAILING

ADDRESS _____

Street Address

City

State Zip

PHONE _____

E-MAIL _____

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		
\$1,150.00	Escrow Fee*		



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PRE-APPLICATION OVERVIEW

The pre-application process is designed to provide residents or other interested parties an avenue to meet with City staff prior to submitting an application for variance, conditional use, or other land use request. It is our experience that such meetings allow an applicant to gain a better understanding of the application process, and provide an avenue to determine exactly what must be requested to achieve a desired goal. Please note that many applications cannot be reviewed upon submittal as they are incomplete or do not properly request all necessary approvals. This in-turn increases the overall timeframe necessary to go through the City process.

Application deposit: \$300.00

The application deposit is used to cover the initial time you spend with the City's consulting staff (i.e. planner, engineer, or attorney). Consulting staff charges the City on an hourly basis as follows:

- Planner..... \$90.00/hour
- Engineer..... \$140.00/hour
- Attorney \$80.00/hour

In filling out this application, you will be responsible for the consulting time utilized to answer your questions. Your \$300 deposit will be used against such charges, and any unutilized funds will be returned to you. If your consulting fees exceed \$300, you will be billed the difference by the City.

Process:

At a minimum, you must submit the application and fee to be authorized to meet with City staff members about your request. It is strongly encouraged to also provide a brief written narrative on what you are seeking along with any proposed plan sets, surveys, and other documentation to be used during the discussion. Staff will review such documentation and give consideration to your request prior to meeting with you. Staff at City Hall will assist you in setting up the meeting at a mutually convenient time.

APPLICATION ON BACK



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**PRE-APPLICATION
REVIEW FORM**

DATE _____

NAME OF PROPERTY OWNER(S) _____

ADDRESS _____ PHONE _____

SITE ADDRESS _____

NAME OF APPLICANT(S) (if different from above) _____

ADDRESS _____ PHONE _____

Suggested submittals to include with this application:

1. A brief written narrative describing your request or question;
2. Any proposed plan sets, surveys, or other documentation to be used during the discussion;

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
\$ 300.00	Pre-Application Deposit		



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BUILDING HEIGHT REQUIREMENTS

1002.02 DEFINITIONS.

Subd. 1. The following words and terms, whenever they occur in this Ordinance, shall be interpreted as herein defined:

Building Height, Principal Buildings. The height of principal buildings measured from the average ground level prior to construction to the top cornice line of a flat and mansard roof, to the uppermost point on a shed, round or other arch-type roof, or to the average height of the highest gable of a pitched or hipped roof.

1011.01 GENERAL YARD, LOT AREA AND BUILDING REGULATIONS.

Subd. 3. Height

- a. The building height to the top peak of any portion of the roof which exceeds the allowable building height in the applicable zoning district by more than five (5) feet or roof pitches of more than a forty-five (45) degree angle for those structures at the building height limitation may be allowed as a conditional use permit provided that:
 1. For each additional one (1) foot in allowable, actual roof height as calculated by the height definition, which is above the maximum building height allowed by the respective zoning district, front and side yard setback requirements shall be increased by one (1) foot.
 2. The construction does not limit solar access to abutting and/or neighboring properties.
 3. The provisions of Section 1003.01.8, conditional uses, are considered and satisfactorily met.

Subd. 5. Yards.

For riparian lots, no principal structure or building addition shall be located closer to the ordinary high water mark than the greater of fifty (50) feet, or the average setback of the two adjacent riparian principal structures on either side of a proposed building site. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to the part of the said principal structure that is closest to the lake.



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CONSTRUCTION PROJECT REQUIREMENTS

The following conditions shall be met throughout the building project. **It will be the responsibility of the project manager, building superintendent and/or property owner to inform all parties involved of the following requirements:**

1. Construction hours are as follows (with no exceptions):

Monday through Friday	7:00 a.m. – 8:00 p.m.
Saturday and Sunday	10:00 a.m. – 5:00 p.m.
2. Parking shall be restricted to one side of the street. If the street width is such that parking on one side still restricts traffic, contact City Hall at (952) 474-7994 for alternate parking sites.
3. Dumpsters, building materials, rock, etc. shall be located on the building site. All other locations involving placement of these materials within City right-of-way requires prior approval from the Public Works Superintendent (952) 474-2947.
4. Adequate toilet facilities must be on site. See City Code Section 300.04 for standards.
5. The city street shall be cleared at the end of each workday or sooner if so needed. If the street is not cleaned within a 24-hour period, the City will authorize Public Works to clean the street. All related costs will be billed to the property owner.
6. Any excavation within the city right-of-way requires a street excavation permit.
7. Load Restrictions: Woodpecker Ridge Road has a 4-ton per axle weight restriction at all times. Contact the Public Work Superintendent at 952-474-2947 to discuss your options if you are working on Woodpecker Ridge Road or Willow Woods Drive.
8. Seasonal Load Restrictions: Load limits for all streets in Tonka Bay are 4-ton per axle weight once posted. The City of Tonka Bay follows the Mn/DOT's schedule for posting and removal of load restriction limits. Tonka Bay does not issue overweight permits during this period. It is the responsibility of the contractor to monitor the load restriction limits as posted by Mn/DOT. The Mn/DOT load restriction 24-hour telephone hotline is 1-800-723-6543 or (651) 406-4701 in the Minneapolis/St. Paul Metro area.

If you have any questions regarding these requirements, please contact Robin Bowman at (952) 474-2947.

Date: _____ Signature: _____



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ESCROW DEPOSITS

SECTION 263. ESCROW DEPOSITS

263.01. INTENT

Certain licensed and permitted activities carried on in the city require the assistance of the city engineer, city attorney, city administrator, or other city personnel. As these activities primarily benefit private persons rather than the city as a whole, the cost of these services should be borne by those benefiting therefrom.

263.02. ESCROW DEPOSIT REQUIRED

Where applications for subdivision approval, rezoning, conditional use permits, planned unit developments, zoning variances, sewer connection permits, liquor license, building permits, or any other municipal permits, licenses, or considerations require a cash deposit, said cash deposit shall be placed in an escrow account in an amount sufficient to pay all engineering, legal, planning, or other fees incurred by the city, and such other costs as may be the applicant's responsibility in connection with the application and supervision, inspection, and investigation of the permitted activity. The deposit shall be held in the account and shall be credited to the applicant making the deposit. All engineering, legal, and planning fees, and such other costs as may be made the applicant's responsibility, incurred in connection with an application, shall be charged to the applicant's escrow account and credited to the city.

263.03. DETERMINATION OF ESCROW AMOUNT

Based on the fee schedule as set out in Section 402.01 of this code, the City Administrator shall determine the amount of the escrow deposit required after consultation with the city attorney, city engineer, or other appropriate city personnel whose services may be required. All time, services, and materials to be billed to an escrow account shall be itemized.

263.04. ENFORCEMENT

Applications requiring escrow deposits shall not be accepted or processed by the city unless accompanied by an escrow deposit as required by Section 263. of this code.

263.05. DEFICITS

If at any time it appears that a deficit will occur in any escrow, the City Administrator may require an additional deposit in said escrow account sufficient to cover the additional expenses. Failure to make such additional deposits, or to

pay to the city money owed for services for which the applicant is responsible in connection with his or her application shall be grounds for denial or revocation of the permit or license, or cessation of work on a particular project. Such permit or license shall be revoked only after a hearing complying with the requirements of Section 150 of this code.

263.06. REFUNDS

Any money remaining in an applicant's escrow account after payment of all required engineering, legal and other costs and fees shall be returned to the applicant.



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FLOOR AREA RATIO

Floor Area Ratio Calculation:

The floor area ratio is the floor area of a building or buildings on any lot divided by the area of such lot, or in the case of planned developments by the net site area. The floor area ratio requirements as set forth under each zoning district, shall determine the maximum floor area allowable for a building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

So to calculate the ratio we take the total floor area (the area inside the walls) and divide that by the gross area of the lot. This is different than the hard coverage measurement.



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**HARDCOVER
 CALCULATION
 WORKSHEET**

**EXISTING AND
 PROPOSED HARDCOVER**

ADDRESS: _____

A. HOUSE	_____	X	_____	=	_____	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	_____	=	_____	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	_____	=	_____	S.F.
	_____	X	_____	=	_____	S.F.

TOTAL HARDCOVER	_____	S.F.
(divided by) TOTAL LOT SIZE	_____	S.F.
(equals) HARDCOVER PERCENTAGE	_____	%

APPROVED: _____ **DATE:** _____

COMMENTS:



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IMPERVIOUS SURFACE COVERAGE

1070.11 IMPERVIOUS SURFACE COVERAGE.

Subd. 1. Allowable Coverage.

- a. Impervious surface coverage for lots in all zoning districts shall not exceed twenty-five (25) percent of the lot area, except as provided below:
 1. Where appropriate and where structures and practices are in place for the treatment of storm water runoff and/or prevent storm water from directly entering a public water, impervious surface coverage may be allowed to exceed twenty-five (25) percent to a maximum of thirty-five (35) percent on any one site with approval of the City Engineer and City Administrator.
 2. Where appropriate and where structures and practices are in place for the treatment of storm water, impervious surface coverage of between thirty-six (36) percent to forty-five (45) percent may be allowed provided a shoreland impact plan/ conditional use permit is submitted and approved as provided for in Section 1070.16 of this Ordinance.
 3. Where appropriate and where structures and practices are in place for the treatment of storm water, impervious surface coverage of forty-six (46) percent and over may be allowed provided a shoreland impact plan/conditional use permit and variance are submitted and approved as provided for in Section 1070.16 and Section 1070.17 of this Ordinance.

Subd. 2. Treatment Measures. Measures for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and microsilt basins on storm sewer inlets, oil skimming devices, etc.

Subd. 3. Limitations. No impervious surface coverage shall be placed, located or constructed within fifty (50) feet of the ordinary high water level, except for stairways, lifts and landings as allowed for in Section 1070.12 of this Ordinance.

DOES YOUR PROJECT NEED A MCWD PERMIT?

City of Tonka Bay

This document provides an at-a-glance summary of projects that require a Minnehaha Creek Watershed District (MCWD) permit. If you are unsure if your project needs a permit, please refer to the full text of the rules (available at www.minnehahacreek.org) or contact the MCWD at (952) 471-0532 or permitting@minnehahacreek.org.

Erosion Control:

- Any land disturbing activity exceeding 5,000 square feet;
 - Grading, excavating, filling, storing, or moving 50 cubic yards of earth material or more;
- Erosion Control is applicable for the majority of projects proposing a new single-family home. If you have questions about your project, contact the Permitting Department for a site plan review.

Floodplain Alteration:

- Any land disturbing activity at or below the 100-year high water elevation of a waterbody;
- The 100-year high water elevation of Lake Minnetonka is 931.5 feet.

Wetland Protection:

- Any project involving the draining, filling, or excavation of a wetland;
 - New home construction that increases the hard cover on the parcel;
- If you are unsure if there are wetlands on your property, or have questions on how the rule applies to your project, please contact the District's Permitting Department.

Dredging:

- Dredging in the beds, banks, or shores of any public water basin or watercourse;

Shoreline and Streambank Stabilization:

- Alteration of the shoreline or streambank, including riprap, biological stabilization, bioengineering, retaining walls, sheet piling, and boat ramps;
- Beach or sandblanket placement;

Waterbody Crossings & Structures:

- Placement or replacement of roads, highways, utilities or other structures in contact with the bed or bank of any waterbody;
- Construction of a bridge or related crossing of any waterbody;
- Alteration of a waterbody to enclose it within a pipe;

Stormwater Management:

- New development or redevelopment of residential, commercial, institutional, industrial, or public land development or redevelopment projects that will create new or replace existing hard cover.
 - Any change in land contours to alter the drainage ways, increase peak runoff rates, or affect the quality of runoff flows;
 - Subdividing a parcel of one acre or more in size into three or more lots;
- Please note, single-family homes are exempt from the District's Stormwater Management rule.

Appropriations Rule:

- All projects within Hennepin County that appropriate up to 10,000 gallons per day and up to 1,000,000 gallons per year of surface water for a nonessential use from:
 - A public water basin or wetland that is less than 500 acres in surface size
 - A protected watercourse that has a drainage area of less than 50 square miles

***Lake Minnetonka is not subject to the appropriations rule**



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PUBLIC HEARING PARTICIPANTS IMPORTANT INFORMATION

Public input is a very important component in the Council decision-making process. Your attendance is appreciated and encouraged! The following information is provided to guide you through the public hearing process.

WHAT IS A PUBLIC HEARING?

A public hearing is a special meeting which allows the public to comment on proposed plans and project before elected officials make a final decision. You are given an opportunity to hear a presentation, ask questions, and make comments regarding a specific topic. The public is welcome to testify but should prepare testimony in advance of the hearing in order to ensure their points are clearly understandable to elected officials.

Please note that speakers may be asked to keep their testimony under five minutes in length if deemed necessary by the presiding official. Written comments must be received by City Hall before noon on the Friday prior to the scheduled public hearing. Written comments received after this deadline will be distributed to the City Council on the night of the meeting. All written comments will become part of the public record.

HOW WAS THE PUBLIC HEARING ANNOUNCED?

Notice was published in the Sun Sailor (the official City newspaper) as required by law. Written notice was mailed to adjacent property owners within 350 feet of the subject property. Notice may have been sent to additional properties or interested parties based on state law requirements or at staff discretion.

HOW WILL THE ITEM BE REVIEWED?

The City Council may be reviewing multiple items at any given meeting, but public hearings receive priority and are reviewed at the beginning of the meeting as follows:

1. The Mayor will introduce the agenda item and request staff's presentation.
2. City staff will present reports, analysis, and findings for consideration.
3. The applicant(s) will be provided an opportunity to comment on staff's report and provide additional information for consideration.
4. The Mayor will open the public hearing for public comment and questions.
5. Once all comments have been received, the public hearing will be closed, and the City Council will debate the merits of the request prior to making a decision.

WHAT IS THE PROCEDURE FOR SPEAKING AT THE PUBLIC HEARING?

1. Once the Mayor opens the public hearing for public comment and questions, come to the podium. Begin by stating your name and address for the record and then provide your comments. Speak clearly so that all may benefit from your remarks.

Please Note:

1. No one may speak a second time until all others have had an opportunity to address the City Council.
2. State your name and address prior to your comments each time you speak.
3. The City Council and applicant(s) will not engage in debate with anyone testifying at the public hearing. Normally, all questions raised during the course of a public hearing will be held at the end of the hearing, after which staff and/or the applicant(s) will be asked to respond.

CITY COUNCIL DELIBERATION

After listening to testimony from city staff, the applicant and citizens, the City Council will debate the merits of the request. In most cases, the City Council has the option to approve the request, deny the request, or table the matter for further study. Tabling a matter indefinitely is not an option as State mandated deadlines for reviewing of such applications require a decision be made or the item is automatically approved.

CITY COUNCIL MEETINGS

The City Council meets the second and fourth Tuesday of every month. To find out when your item of interest is scheduled, you may contact City Hall at 952-474-7994 or check the City's website at www.cityoftonkabay.net for the meeting agenda. The agenda is posted on the website after 1:00 p.m. on the Friday prior to the Council meeting.

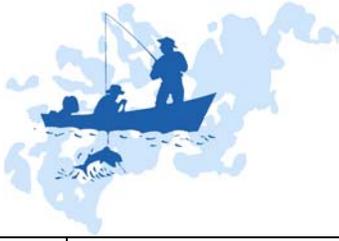
INFORMATION IS AVAILABLE

Copies of plans and application materials are public information and are available for review at City Hall. Staff reports prepared for Council meetings are normally not available until the Friday afternoon preceding the scheduled meeting.

QUESTIONS?

Your local officials are committed to providing the best service possible to the community. Please contact us at 952-474-7994 during normal business hours, Monday through Thursday, 7:00 a.m. to 5:30 p.m. You may also send your questions via e-mail to lcrawford@cityoftonkabay.net.

Thank you and we look forward to seeing you at an upcoming meeting!



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**PUBLIC HEARING
 NOTICE**

WHO	(SEE OTHER SIDE FOR EXACT LOCATION OF PROPERTY)
WHAT	Plans are available for review at City Hall during regular business hours (Monday through Thursday, 7:00 a.m. – 5:30 p.m.) Legal description of property is on file at City Hall. PID #
WHY	
WHEN	Tuesday, 7:00 p.m. or as soon thereafter as can be heard
WHERE	City of Tonka Bay 4901 Manitou Road Tonka Bay MN 55331
SEE SITE LOCATION MAP	
COMMENTS	<p>Verbal and written comments will be considered at the public hearing. E-mail comments may be sent to: lcrawford@cityoftonkabay.net. Written comments may be sent to:</p> <p style="text-align: center;">City of Tonka Bay 4901 Manitou Road Tonka Bay MN 55331</p> <p>Contact Lindy Crawford, City Administrator at (952) 474-7994 should you have any questions regarding this request.</p>

The City of Tonka Bay considers your interest and input in this matter an extremely important part of the City's review process. If you are unable to attend the public hearing, written comments are encouraged. Please contact city staff at your earliest convenience so we may address your questions and advise you on submittal due dates.

The list of affected property owners for this public meeting is derived from official records of the Hennepin County Assessor. Because of the lag time between occupancy and recordkeeping, or because of rental situations, a few affected property owners may have been missed. Please feel free to notify your neighbors of this pending meeting so all may have the opportunity to attend.



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SURVEY REQUIREMENTS

INITIAL SURVEY

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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.

Contact City of Tonka Bay at 952-474-7994 with additional questions.



CITY OF TONKA BAY
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**SURVEY
EXEMPTION POLICY**
Approved 9/25/07

Objective:

It is the objective of this policy to establish criteria defining the circumstances in which a survey (or surveys) will be required as a condition of a building permit. The City recognizes that each required survey adds additional cost for residents, and that staff should strive to only require information necessary to ensure compliance with City Code.

Proposed Construction:

By code, every application for a building permit shall be accompanied by an up-to-date certified site survey with the following exceptions:

- Interior remodels
- Re-roofs
- Re-siding

The following two conditional exceptions will also be made:

- General maintenance projects (defined as the repair or replacement of an existing structure where no expansion is proposed) can be excluded from the updated survey requirement provided an old survey showing the structure being replaced/repared is provided. A scaled site plan for general maintenance projects may be permissible if approved by the zoning administrator provided the site plan can verify conformance to code requirements.
- Permits for fences can also be issued provided the fence location is hand drawn to-scale on an old survey that identifies the lot lines and the location of the primary structure. A scaled site plan will not be accepted for fence permits.

Foundation Survey Criteria:

Applications for new structures will be required to provide an as-built **foundation** survey if one of the following criteria apply:

- The proposed new construction will be within five (5) or less feet of any applicable structural setback requirement;

- The proposed new construction will be within ten (10) or less feet of any existing/proposed well or septic system;
- The proposed new accessory structure or addition will be within five (5) or less feet of any private or public sewer line;
- The proposed new construction is required to be reviewed for its lowest floor opening;

As-Built Survey Criteria:

Applications for new structures will be required to provide an as-built survey if one of the following criteria apply:

- The new construction includes proposed contours that will significantly alter the drainage patterns on the property such that adjacent properties or structures on the subject property are threatened;
- The new construction will be within ten (10) or less feet of any lot line;
- The new construction is proposed to be within two (2) or less feet of the maximum height requirement.
- The proposed new construction is being built in conjunction with a variance or conditional use permit subject to specific grading or screening requirements.

Modification of Policy:

This policy may be amended from time-to-time by the City Council.