



CITY COUNCIL REGULAR MEETING AGENDA

June 11, 2024 – 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA¹
 - A. Approve May 28, 2024 Regular Meeting Minutes
5. MATTERS FROM THE FLOOR² (*maximum time of five minutes per person*)
6. SPECIAL BUSINESS
 - A. None
7. PUBLIC HEARING
 - A. None
8. OLD BUSINESS
 - A. Resolution 24-16: Approving Variance Request at 120 Lakeview Avenue
9. NEW BUSINESS
 - A. None
10. MATTERS FROM THE FLOOR² (*maximum time of five minutes per person*)
11. REPORTS
 - A. Administrator's Report
 - B. Contract Staff Report(s)
 - C. Doug Eckland: Finance, Fire Lanes and Public Access, Technology
 - D. Kristin Viger: Parks and Docks, Sanitation and Recycling
 - E. Kelly Wischmeier: Building Inspection, Municipal Buildings and Grounds
 - F. Tim Connelly: EFD, Commercial Marinas, LMCD
 - G. Adam Jennings: SLMPD, Administration, Public Works, Employee Advisory Board
12. ADJOURNMENT

All matters listed within the Consent Agenda are considered to be routine items to be enacted upon by one City Council motion. Items on the Consent Agenda are reviewed in total by the City Council and may be approved through one motion with no further discussion by the Council. Any item may be removed by any Council Member, staff member or person from the public for separate consideration.

²For individuals who wish to address the Council on subjects which are not a part of the meeting agenda. Typically, the Council will not take action on items presented at this time but will refer them to staff for review, action and/or recommendation for future Council action.

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
MAY 28, 2024

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:01 p.m.

2. ROLL CALL

Members present: Mayor Jennings, Councilmembers Connelly, Eckland, and Viger. Also present were City Administrator Tolsma, City Engineer Bradford, City Planner Johnson, and City Attorney Josh Weir.

3. APPROVAL OF AGENDA

Councilmember Connelly made a motion to approve the agenda as presented. Councilmember Eckland seconded the motion. Ayes: Connelley, Eckland, Viger, and Jennings. The motion carried.

4. CONSENT AGENDA

- A. Minutes from May 7, 2024 City Council Work Session Meeting
- B. Minutes from May 7, 2024 Regular City Council Meeting
- C. Manitou Park Parking Pay Application #3
- D. Manitou Park Backstop Pay Application #1
- E. Manitou Watermain Replacement Pay Application #6
- F. Special Event Permit at 20 Old Orchard Lane for Friday, July 19, 2024

Councilmember Connelly made a motion to approve the consent agenda. Councilmember Viger seconded the motion. Ayes: Connelly, Eckland, Viger, and Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

Duane Anderson, 55 Florence Drive, commented that his neighbor at 60 Florence Drive has installed a LED light that is extremely bright and shines into their bedroom at night. Anderson commented that there is no rhyme or reason to the time of day when the light turns on, and requested the City look into the matter.

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

2024 Bond Issuance Tax Abatement Public Hearing

Shannon Sweeney, DDA Financial Advisor for Tonka Bay introduced the proposed tax abatement levy to fund the street portion of the debt service for the 2024 Street

Reconstruction Project. Sweeney stated, in order to issue tax abatement bonds a public hearing is required and an abatement resolution adopted by Council. The benefited properties have been identified for the procedural requirement for issuance of a tax abatement bond. Sweeney stated the proposed general fund levy for the project was \$8,900,000, of which \$3,800,00 would be covered by the tax abatement levy.

Council opened the Public Hearing for the 2024 Bond Issuance Tax Abatement at 7:11 p.m. No comment from the audience was heard. Council closed the public hearing at 7:12 p.m.

Council asked Sweeney for clarification of the benefited properties. Sweeney stated the benefited properties are basically properties within the project area. The identification of the benefited properties is a procedural requirement and does not change the manner in which the tax levy is applied. The levy for debt service will be spread over all taxpayers within the community in the same manner that the utility reconstruction portion would be allocated.

Councilmember Viger noted that she was one of the benefited properties and asked if she was able to vote on the resolution. City Attorney confirmed that she was able to vote.

- a) Resolution 24-15: Approving Tax Abatement for Certain Properties in Tonka Bay - A motion to approve Resolution 24-15 Approving Tax Abatement for Certain Properties in Tonka Bay was made by Councilmember Connelly. Councilmember Viger seconded the motion.

Roll call:	Connelly	Aye
	Eckland	Aye
	Viger	Aye
	Jennings	Aye

The motion carried.

120 Lakeview Avenue Variance Request Public Hearing

Lori Johnson, City Planner, introduced the variance requests from applicant Kathleen Aanenson, 120 Lakeview Avenue. Johnson stated Aanenson requested a variance of 2.08 foot reduction to the 8-foot side yard building setback for the construction of a new home, putting the home at a 5.92 foot setback from the side yard; a 26.27% variance to the 25% impervious surface requirement for a total impervious surface of 51%; and a 23% variance to the 30% FAR requirement for a total FAR of 53%. Johnson stated Aanenson, previously applied for a variance to

vacate the right of way on her property and the proposed variance takes that into account. Johnson said that Aanenson has provided a narrative explaining her reasoning and justification for practical difficulties. Johnson concluded that the practical difficulty test was not met for any of the three variance requests. Johnson presented three options for Council consideration, to approve, deny, or table. Johnson recommended denial of all variance requests based on the practical difficulties test.

Councilmember Eckland asked for clarification of the current setbacks verses the proposed. Eckland noted that he was concerned about a fire risk with the wood homes being so close together.

Council discussed the parameters of a non-conforming lot. Johnson stated that the current hard cover percentage was 43.5% and the proposed hard cover percentage would be 51%. Mayor Jennings stated that it was Council's intent, by approving the vacation of the right of way, to allow Aanenson some flexibility when moving forward with construction of a new home. Councilmember Connelly asked why the recommendation was to deny all variances. Johnson explained that the lot will be completely cleared and a new home started from scratch and this new construction should be able to meet the current setbacks without applying for variances. City Administrator Tolsma clarified that the existing setback on the one side is 4.9 feet and the request would increase the setback to 5.92 feet.

Council opened the Public Hearing for 120 Lakeview Avenue Variance Request at 7:36 p.m.

Kathy Aanenson, 120 Lakeview Avenue, approached the podium. Aanenson shared her reasons for requesting the variance.

Council discussed concerns with approving six feet when the ordinance states eight and the fact that approving a little here and there sets a precedent and renders the ordinance useless.

Council continued to discuss the impervious and hard cover percentages as it pertained to the lot and the City ordinance. Tolsma reminded Council that the City ordinances are being revised and there was discussion to change the setback language from eight feet to five feet. Council noted that the changes to the ordinance have not been finalized and the current ordinance states an eight foot setback. Council acknowledged the timing of the variance requests falls in a gray area, but understood the new home would be in character with the neighborhood.

Members of the audience commented that they are Aanenson's neighbors and have no issues with the proposed home and setbacks.

Council closed the public hearing at 8:16 p.m.

A motion to direct Staff to draft a resolution of approval for the Side Yard Setback Variance of 5.92 feet for 120 Lakeview Avenue was made by Councilmember Connelly. Councilmember Viger seconded the motion. Ayes: Connelly, Viger, and Jennings. Nays: Eckland. The motion carried.

A motion to direct Staff to draft a resolution of approval for the Impervious Surface Variance of 51.27% for 120 Lakeview Avenue was made by Councilmember Connelly. Councilmember Viger seconded the motion. Ayes: Connelly, Eckland, Viger, and Jennings. The motion carried.

A motion to direct Staff to draft a resolution of approval for the FAR Variance of 53% for 120 Lakeview Avenue was made by Councilmember Connelly. Councilmember Viger seconded the motion. Ayes: Connelly, Eckland, Viger, and Jennings. The motion carried.

8. OLD BUSINESS
None

9. NEW BUSINESS

A. City Treasurer Job Offer – City Administrator Tolsma provided Council with an update on the second round of interviews for the City Treasurer position. Tolsma stated he along with Councilmember Connelly and Councilmember Eckland interviewed the top two candidates and felt confident to recommend Annie Brit for the City Treasurer position. Mayor Jennings asked how much training time there would be with the current City Treasurer. Tolsma stated that initially there will be two weeks of training and then as needed training throughout the next few months as questions arise.

A motion to direct Staff to extend the City Treasurer Job Offer to Annie Brit at \$33.00 per hour was made by Councilmember Connelly. Councilmember Eckland seconded the motion. Ayes: Connelly, Eckland, Viger, and Jennings. The motion carried.

10. MATTERS FROM THE FLOOR

Christeen Paulson, 85 Birch Bluff Road, commented that she did not know anything about the 2024 Street & Utilities Project and she had questions about the stakes placed on her lawn, and trees marked to be removed. City Engineer Bradford addressed the questions and stated that not all the trees marked would be taken out and only the trees near the water service lines would be removed. Bradford clarified that any homeowner who had questions regarding trees impacted on their property could call and set up an appointment to walk through the property with them. Bradford stated he could set up an appointment and continue the conversation with Paulson after the Council Meeting.

Councilmember Viger addressed the communication issue with all the projects and clarified that there are three (3) different emails to sign up for notifications. The ManitouRDImprovements@wsbeng.com, TonkaBayStreetandUtility@wsbeng.com, and CityofTonkaBay.net. Viger stated she had received a number of emails from residents who are confused as to where to find information pertaining to their street.

Kathleen Ottum, 30 Lilah Lane, commented on grass clippings being dumped at the end of Lilah Lane within Manitou Park. Council directed Staff to touch base with the cities mowing company to make sure it was not them. Ottum commented that rocks were placed at the end of Pleasant Avenue and Birch Bluff Road which has cut off the water inlet to the swamp area. Ottum said fish swim to the area to spawn and then get stuck and die and it stinks. Ottum stated the area is located in Shorewood but asked Council if they had any influence to resolve the issue. Council directed Staff to draft a letter to Shorewood.

11. REPORTS

A. Administrator's Report – None

B. Contract Staff Report(s) - City Engineer Bradford provided an update on the construction at Crabapple Lane and Manitou Road. Bradford stated the project area has been difficult. In order to finish up the watermain project, crews dedicated to the Street and Utility Project have been pulled and assigned to the Manitou Road Project. Bradford indicated this would push parts of the Street and Utility Project into 2025. Bradford reported that MnDOT had invited him to the discussion of the Hwy 7 reconstruction and asked Council to add this item to a future Work Session Meeting. Councilmember Viger stated she had public safety concerns and asked Bradford if there had been discussion on reducing the speed limits within the work zones. Bradford stated the topic will be discussed at tomorrows construction meeting.

City Attorney Weir reported that he was filling in for Jason Hill who has branched out to start his own law firm.

- C. Councilmember Rep – Finance, Fire Lanes and Public Access, Technology – None
- D. Councilmember Rep – Parks and Docks, Sanitation and Recycling – None
- E. Councilmember Rep – Building Inspection, Municipal Building and Grounds - None
- F. Councilmember Rep – EFD, Commercial Marinas, LMCD – Councilmember Connelly reported the 70’s – 90’s Sunshine Band would be playing at the Excelsior Commons tomorrow.
- G. Mayor – SLMPD, Administration, Public Works, Employee Advisory Board – Mayor Jennings reported that SLPD has their first budget meeting on June 4, 2024.

12. ADJOURNMENT

There being no further business, Councilmember Connelly made a motion to adjourn the meeting at 8:56 p.m. Councilmember Eckland seconded the motion. Ayes: Connelly, Eckland, Viger, and Jennings. The motion carried.

Jennings, Mayor

Attest:

Gildemeister, City Clerk



City of Tonka Bay Memorandum

To: City Council Members
 Dan Tolsma, City Administrator

From: Lori Johnson, City Planner

Date: June 6, 2024
 City Council Regular Meeting June 11, 2024

Project: 024173-000, Phase 3

Request: The applicant is requesting a variance of 2.08 feet to the 8-foot side yard building setback for the construction of a new home. Also requested is a 26.27% variance to the 25% impervious surface requirement and a 23% variance to the 30% FAR requirement.

PID: 2711723240041

At the City Council meeting on May 28, the Council recommended approval, after a lengthy discussion, of all requested variances. The resolution attached to the report reflects those approvals in one resolution. There is no need for multiple motions on this item if the Council chooses to approve the resolution.

The report below is the staff report from the May 28 meeting with no changes. The language for approval of the resolution is as follows:

“I move that we approve Resolution 2024-XX, which approves the three requested variances as stated in the resolution and based on the findings of fact listed in the resolution.”

GENERAL INFORMATION

Applicant(s)/Owner(s): Kate Aanenson

Subject Property: 120 Lakeview Avenue

Existing Land Use / Zoning: Detached, Single-family Residential; zoned R-3 (Medium Density), Shoreland Overlay

Surrounding Zoning: North: Detached, Single-family Residential; zoned R-1B, Shoreland Overlay
West: Detached, Single-family Residential; zoned R-3, Shoreland Overlay

South: Detached, Single-family Residential; zoned R-3, Shoreland Overlay

East: Detached, Single-family Residential; zoned R-3, Shoreland Overlay

Comprehensive Plan: The Tonka Bay 2018-2040 Comprehensive Plan guides this lot for single-family residential use.

Deadline for Agency Action: Application Complete Date: April 18, 2024
60 Days: June 17, 2024
Extension Letter Mailed: N/A
120 Days: N/A

Attachments: Location Map
Aerial
Existing Property Survey
Applicant Narrative
Proposed Site Plan
Proposed Building Plan
Drainage Calculations
Vacated Right-of-Way Exhibit

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

The applicant/property owner is seeking the approval of three variances to construct a new home at 120 Lakeview Avenue. There is an existing single-family home, paver patio, driveway and storage shed on the property. The existing home and shed are nonconforming, meaning they currently do not meet city setback or FAR requirements. The site currently has an impervious surface coverage of 43.5%, which does not meet the current 25% impervious surface requirement of the ordinance.

The applicant recently went through the right-of-way vacation process with the city regarding the north side of the property, which is also known as the front yard. Please see the attached exhibit. The City Council approved the right-of-way vacation. The survey that has been submitted with this application reflects the new property lines of the applicant's property, after the Council approved the vacation. The vacation process essentially added 1,265 square feet to 120 Lakeview Avenue.

The proposal for this property indicates that a new home would be constructed on the lot after all other structures are demolished. To construct the home at the size that the applicant is proposing the following variances are required:

- A variance of 2.08 feet to the 8-foot side yard building setback.
- A 26.27 % variance to the 25% impervious surface requirement.
- A 23% variance to the 30% FAR requirement.

The new home being proposed is a two-story structure with an attached garage that will be facing the north side of the property. Hardie board siding is proposed on the exterior of the home. The footprint and size of the new home is greater than the home that exists on site today, mostly because an attached garage has been added to the structure. The existing home does not have an attached garage.

Stormwater ponding has been provided on the west side of the site. To construct the pond a large maple tree will need to be removed. The current sewer line is located within the roots of this tree so the applicant will be replacing or sleeving this sewer line with the new project.

All setbacks for the house are being met with the exception of the east side yard setback.

Side Yard Setback Variance

The side of the yard where the setback variance is being requested is the east side of the lot. The existing setback for the house on this side of the lot is 4.5 feet where an 8-foot setback is required. The width of the existing house is 23.9 feet, and the new house is proposed at 24 feet wide, creating an east side yard setback of 5.92 feet. The 8-foot side yard setback is being met on the west side of the lot.

The proposal does create a situation that is more beneficial to the city because the side yard setback is being proposed at a distance greater than what currently exists on site. On the other hand, when a new home is constructed, and the lot is wiped clean, there should not be an issue meeting setback requirements for a new home on a vacant lot.

Impervious Surface Variance

The applicant is proposing an increase in impervious surface for this site that is 26.27% higher than the allowed 25%. The existing impervious surface for this site is 43.5%, so the impervious surface percentage proposed is 7.7% higher than what exists on site today.

The applicant is proposing to construct a home that is bigger than what is on site today with a larger footprint. The existing shed and paver patio in the rear yard will be removed, so the hard surfaces will consist of the driveway, sidewalk and house.

Because the applicant is proposing to remove the home, it should be possible to meet the city's impervious surface requirement of 25%. We do know, however, that other lots within the city do not meet this requirement and have been granted variances for higher impervious surface percentages.

FAR Variance

The city's Floor Area Ratio (FAR) requirement is 30 percent. The existing house has a FAR of 42% (with no garage) and the proposed house has an FAR of 53% with an attached garage. This requires the approval of a variance of 23% from the required 30% FAR requirement.

Once again, because the existing home will be demolished and the lot will be free of structures, the applicant should be able to meet the FAR requirements of the ordinance with the construction of a new home.

2. Ordinance Authority

SECTION 1070.11(1)(a)1 states that the maximum impervious surface coverage for lots in all zoning districts with the Shoreland Overlay District is 25 percent of the lot area.

SECTION 1070.11(1)(2) states that no person may be eligible for a variance from impervious surface coverage unless they submit a Stormwater Treatment Plan, which shall be reviewed by the City Engineer.

SECTION 1021 establishes setbacks for all properties within the R-3 zoning district.

Section 1021-07 (1) establishes the FAR for the R-3 zoning district.

SECTION 1004 establishes a process through which applicants can request variances to zoning ordinance requirements.

3. Variance Review Criteria

When reviewing variance applications and requests, it is important to adhere to ordinance requirements, which are based on current state law, and to determine if a practical difficulty exists in each case. State law is written as such that a practical difficulty only exists when three statutory factors are met:

- Will the property owner use the property in a reasonable manner?
- Is the circumstance unique to the property, and is it caused by the homeowner?
- Will the essential character of the area be altered by the variance?

Staff's conclusions on the practical difficulty test, and the ordinance requirements for each variance are outlined below.

Statutory Criteria/1004.02 Subd. 4—Setback Variance

1. *The request is in harmony with the general purpose and intent of this Ordinance.*

The request for a variance from the 8-foot side yard setback, while not in compliance with the ordinance, does not distract from the harmony that a single-family home would normally create in the area. **Criterion met.**

2. *The variances are consistent with the comprehensive plan.*

The requested variance would not bring the property into conflict with the comprehensive plan, which guides the property for Low Density Residential. **Criterion met.**

3. *The property in question meets the “practical difficulties” test:*

a. *The property owner proposes to use the property in a reasonable manner. **Criterion met.***

The use of the property for a single-family home is not unreasonable in any manner, as it is guided and zoned for such land use. **Criterion met.**

b. *There are unique circumstances to the property not created by the landowner.*

The applicant is creating the need for the setback in this case by proposing a NEW home that does not meet the side yard setback requirements for the site, when the site is large enough to accommodate a reasonably sized home without the need for a side yard setback variance. The applicant could construct a home with a slightly smaller width (2.08 feet smaller) and meet the setback requirement. **Criterion not met.**

c. *The variance will maintain the essential character of the locality.*

The requested variance will maintain the essential character of the locality. **Criterion met.**

City Tests/1004.02 Subd.3

1. *Will the variance impair an adequate supply of light and air to adjacent property?*

The variance will not create circumstances that impair the supply of light and air to surrounding properties. **Criterion met.**

2. *Will the variance unreasonably increase the congestion in the public street?*

The variance will not have an unreasonable, if any, impact on traffic along Lakeview Avenue. **Criterion met**

3. *Will the variance increase the danger of fire or endanger the public safety?*

The requested variance would not increase the danger of fire or endanger public safety. **Criterion met.**

4. *Will the variance unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance?*

The proposal would not have an effect on property values and it is not contrary to the intent of the zoning ordinance as the Subject Property will continue its existing low-density, single-family use. **Criterion met.**

Statutory Criteria/1004.02 Subd. 4—Impervious Surface Variance

1. *The request is in harmony with the general purpose and intent of this Ordinance.*

The request for a variance from the impervious surface requirement for the site, while not in compliance with the ordinance, does not distract from the harmony that a single-family home would normally create in the area. **Criterion met.**

2. *The variances are consistent with the comprehensive plan.*

The requested variance would not bring the property into conflict with the comprehensive plan, which guides the property for Low Density Residential. **Criterion met.**

3. *The property in question meets the “practical difficulties” test:*

- a. *The property owner proposes to use the property in a reasonable manner.*
Criterion met.

The use of the property for a single-family home is not unreasonable in any manner, as it is guided and zoned for such land use. **Criterion met.**

- b. *There are unique circumstances to the property not created by the landowner.*

The applicant is creating the need for the impervious surface variance in this case by proposing a NEW home that does not meet the meet the impervious surface requirement for the site, when the site is large enough to accommodate a reasonably sized home without the need for an impervious surface requirement. The applicant could construct a home with a smaller footprint and meet the impervious surface requirement. **Criterion not met.**

- c. *The variance will maintain the essential character of the locality.*

The requested variance will maintain the essential character of the locality. **Criterion met.**

City Tests/1004.02 Subd.3

1. *Will the variance impair an adequate supply of light and air to adjacent property?*

The variance will not create circumstances that impair the supply of light and air to surrounding properties. **Criterion met.**

2. *Will the variance unreasonably increase the congestion in the public street?*

The variance will not have an unreasonable, if any, impact on traffic along Lakeview Avenue. **Criterion met**

3. *Will the variance increase the danger of fire or endanger the public safety?*

The requested variance would not increase the danger of fire or endanger public safety. **Criterion met.**

4. *Will the variance unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance?*

The proposal would not have an effect on property values and it is not contrary to the intent of the zoning ordinance as the Subject Property will continue its existing low-density, single-family use. **Criterion met.**

Statutory Criteria/1004.02 Subd. 4—FAR Variance

1. *The request is in harmony with the general purpose and intent of this Ordinance.*

The request for a variance from the FAR requirement for the new home, while not in compliance with the ordinance, does not distract from the harmony that a single-family home would normally create in the area. **Criterion met.**

2. *The variances are consistent with the comprehensive plan.*

The requested variance would not bring the property into conflict with the comprehensive plan, which guides the property for Low Density Residential. **Criterion met.**

3. *The property in question meets the “practical difficulties” test:*

a. *The property owner proposes to use the property in a reasonable manner.*
Criterion met.

The use of the property for a single-family home is not unreasonable in any manner, as it is guided and zoned for such land use. **Criterion met.**

b. *There are unique circumstances to the property not created by the landowner.*

The applicant is creating the need for the FAR variance in this case by proposing a NEW home that does not meet the FAR requirements for the site, when the site is large enough to accommodate a reasonably sized home without the need for a FAR variance. The applicant could construct a smaller home and meet the setback requirement. **Criterion not met.**

c. *The variance will maintain the essential character of the locality.*

The requested variance will maintain the essential character of the locality. **Criterion met.**

City Tests/1004.02 Subd.3

1. *Will the variance impair an adequate supply of light and air to adjacent property?*

The variance will not create circumstances that impair the supply of light and air to surrounding properties. **Criterion met.**

2. *Will the variance unreasonably increase the congestion in the public street?*

The variance will not have an unreasonable, if any, impact on traffic along Lakeview Avenue. **Criterion met.**

3. *Will the variance increase the danger of fire or endanger the public safety?*

The requested variance would not increase the danger of fire or endanger public safety. **Criterion met.**

4. *Will the variance unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance?*

The proposal would not have an effect on property values and it is not contrary to the intent of the zoning ordinance as the Subject Property will continue its existing low-density, single-family use. **Criterion met.**

POTENTIAL ACTION

- A) DIRECT STAFF TO PREPARE THREE SEPARATE RESOLUTIONS APPROVING THE VARIANCE REQUESTS based on the Applicant's submittals and findings of fact.
- B) DIRECT STAFF TO PREPARE THREE RESOLUTIONS DENYING THE VARIANCE REQUESTS based on the Applicant's submittals and findings of fact.
- C) DIRECT STAFF TO PREPARE THREE INDIVIDUAL RESOLUTIONS EITHER APPROVING OR DENYING INDIVIDUAL VARIANCES based on the Applicant's submittals and findings of fact. (This would be used if you recommend denial of one, not others, etc.)
- D) TABLE THE ITEM and request additional information.

RECOMMENDATION

The information provided in this staff report concludes that the practical difficulty test is not met for the three variance requests for the side yard setback, impervious surface and FAR variances. The City Council, based on the information in this report and public testimony, will need to make a motion to approve or deny each variance, but staff would recommend denial of the variances at this time. Two motions for each variance are provided below for consideration.

Motion of Denial for side yard setback variance:

"I move that we direct staff to prepare a resolution of denial of the requested 2.08-foot variance to the 8-foot side yard building setback based on the following findings of fact:

- a. Pursuant to state law, variances may only be granted where the Applicant establishes that there are practical difficulties in complying with the zoning ordinance.
- b. The Applicant has failed to establish any practical difficulties with complying with the required impervious surface coverage of 30.5%.
- c. The variance request is due to the actions of the Applicant and not due to the uniqueness of the property or circumstance.
- d. The Applicant could build a smaller house to avoid the variance, particularly because all buildings will be demolished on site.

Motion of Denial for impervious surface variance:

"I move that we direct staff to prepare a resolution of denial of the requested 26.27% variance to the 25% impervious surface requirement based on the following findings of fact:

- a. Pursuant to state law, variances may only be granted where the Applicants establish that there are practical difficulties in complying with the zoning ordinance.
- b. The Applicants have failed to establish any practical difficulties with complying with the required impervious surface coverage of 25%.
- c. The variance request is due to the actions of the Applicants and not due to the uniqueness of the property or circumstance.
- d. The Applicant could build a smaller house to avoid the variance, particularly because all buildings will be demolished on site.

Motion of Denial for FAR variance:

"I move that we direct staff to prepare a resolution of denial of the requested 23% variance to the 30% FAR requirement based on the following findings of fact:

- a. Pursuant to state law, variances may only be granted where the Applicants establish that there are practical difficulties in complying with the zoning ordinance.

- b. **The Applicants have failed to establish any practical difficulties with complying with the required impervious surface coverage of 25%.**
- c. **The variance request is due to the actions of the Applicants and not due to the uniqueness of the property or circumstance.**
- d. **The Applicant could build a smaller house to avoid the variance, particularly because all buildings will be demolished on site.**

*Motion of **Approval** for the 2.08-foot variance to the 8-foot side yard building setback:*

"I move that we direct staff to prepare a resolution of approval of the requested variance to the 8-foot side yard building setback for this lot based on the following findings of fact:

- a. **The request is in harmony with the general purpose and intent of this Ordinance.**
- b. **The variance is consistent with the comprehensive plan.**
- c. **The variance will not impair an adequate supply of light and air to adjacent property.**
- d. **The variance will not unreasonably increase the congestion in the public street.**
- e. **The variance will not increase the danger of fire or endanger the public safety.**
- f. **The variance will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance.**

*Motion of **Approval** for Impervious Surface Variance:*

"I move that we direct staff to prepare a resolution of approval of the requested 26.27% variance to the 25% impervious surface requirement for this lot based on the following findings of fact:

- g. **The request is in harmony with the general purpose and intent of this Ordinance.**
- h. **The variance is consistent with the comprehensive plan.**
- i. **The variance will not impair an adequate supply of light and air to adjacent property.**
- j. **The variance will not unreasonably increase the congestion in the public street.**

- k. **The variance will not increase the danger of fire or endanger the public safety.**
- l. **The variance will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance.**

*Motion of **Approval** for FAR variance:*

"I move that we direct staff to prepare a resolution of approval of the requested 23% variance to the 30% FAR requirement for this lot based on the following findings of fact:

- a. **The request is in harmony with the general purpose and intent of this Ordinance.**
- b. **The variance is consistent with the comprehensive plan.**
- c. **The variance will not impair an adequate supply of light and air to adjacent property.**
- d. **The variance will not unreasonably increase the congestion in the public street.**
- e. **The variance will not increase the danger of fire or endanger the public safety.**
- f. **The variance will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance.**

RESOLUTION NO. 24-16

**A RESOLUTION APPROVING
VARIANCES AT 120 LAKEVIEW AVENUE
PID: 2711723240041**

WHEREAS, the City of Tonka Bay is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Tonka Bay ("City") has adopted zoning regulations in the Tonka Bay City Code ("City Code") to promote orderly development and utilization of land within the city; and

WHEREAS, Kate Aanenson ("Owner") applied for variances at 120 Lakeview Avenue which is legally described as follows; and

Lot 2, I.C. SEELEY AND N.F. GRISWOLD'S AMENDMENT AND FIRST ADDITION TO MINNETONKA LAKE PARK, Hennepin County, Minnesota

WHEREAS, the Property is located within the Medium Density R-3 zoning district and within the Shoreland Overlay District; and

WHEREAS, the Owner is requesting the following variances:

- A variance of 2.08 feet to the 8-foot side yard building setback.
- A 26.27 % variance to the 25% impervious surface requirement.
- A 23% variance to the 30% FAR requirement.

WHEREAS, Lori Johnson, City Planner, issued a report to City Council dated May 28, 2024, that analyzed the request against the Comprehensive Plan and City Code; and

WHEREAS, the City Council held a public hearing and considered the application on May 28, 2024, and in consideration of the above-described request, makes the following findings of fact:

1. The request is in harmony with the general purpose and intent of this Ordinance.
2. The variance is consistent with the comprehensive plan.
3. The variance will not impair an adequate supply of light and air to adjacent property.
4. The variance will not unreasonably increase the congestion in the public street.
5. The variance will not increase the danger of fire or endanger the public safety.
6. The variance will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approve the following requests as shown on the plans provided by the Applicant:

- A variance of 2.08 feet to the 8-foot side yard building setback.
- A 26.27 % variance to the 25% impervious surface requirement.
- A 23% variance to the 30% FAR requirement.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 11th day of June 2024.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –

Nays –

Absent –

Adam Jennings, Mayor

ATTEST:

Janell Gildemeister, City Clerk

May 28, 2024

Dan Tolsma, City Administrator
City of Tonka Bay
4901 Manitou Rd
Tonka Bay, MN 55331-9560

Dear City Administrator Tolsma:

The Metropolitan Council has prepared preliminary population and household estimates for your community as of April 1, 2023. This is an annual process governed by *Minnesota Statutes 473.24*.

As of April 1, 2023, the City of Tonka Bay had 747 housing units, 682 households, and 1,593 people (of whom 0 lived in group quarters facilities). Household size averaged 2.336 persons per household.

How was this estimate calculated?

We estimate households and population with a housing stock-based method, which involves three questions:

1. *How many housing units did each community have?*
2. *How many households occupied these housing units?*
3. *How many people lived in these occupied housing units?*

This letter includes an overview of our estimation method along with a report showing the data inputs and calculations used to develop the preliminary estimates for your community. For more information, visit <https://www.metrocouncil.org/populationestimates>, or contact me at 651-602-1513.

How can local governments provide feedback on this estimate?

We welcome discussion of the preliminary estimates and invite you to review and comment on them. Please send any comments or questions to Matt.Schroeder@metc.state.mn.us (preferred) or to Matt Schroeder, Community Development Research, 390 Robert St N, Saint Paul, MN 55101. *Under Minnesota Statutes 473.24, we must receive your comments or specific objections, in writing, by June 24, 2024.*

What happens after local governments provide feedback?

The Council will certify final estimates by July 15, 2024 for state government use in allocating certain funds.

Sincerely,



Matt Schroeder
Principal Researcher

Tonka Bay city, Hennepin County

2023 Annual Population Estimate

Published May 28, 2024 (preliminary; distributed for local government review)



	Housing units	Occupancy rate	Households	Persons per household	Population in households	Population in group quarters	Total population
2023 Estimate	747	91.30%	682	2.3358	1,593	0	1,593
2020 Census	658	89.06%	586	2.4608	1,442	0	1,442

The Metropolitan Council estimates population using the housing unit method, which answers three main questions for each jurisdiction as of April 1, 2023.

First, how many housing units did the community have?

- We start with housing units measured by the 2020 Census. We broke down the total number of housing units in the 2020 Census into different housing types using county parcel data and other data sources.
- We then add units built between April 1, 2020 and April 1, 2023, based on permits reported to us by communities. Permit data is [available on our website](#).
 - We assume that 90% of single-family detached units and 85% of townhome/duplex/triplex/quadplex units permitted in 2021 were completed and occupiable by April 1, 2023.
 - Multifamily units permitted in and after 2020 are assumed to be completed if they received a certificate of occupancy by April 1, 2023. Multifamily units permitted before 2020 that were not open at the time of the 2020 Census are also included.
 - Manufactured home data comes from our annual surveys of manufactured home park operators and local governments.
 - Data on other housing (boats, RVs, etc. used as housing) comes from the [most recent American Community Survey data](#); this housing is included in the estimates only if occupied.
- We also examine other housing stock changes reported by jurisdictions. These include demolitions, building conversions (units added or lost), boundary changes (units annexed in or out), and other changes.

	Housing stock April 1, 2020	Permitted and built since 2020	Other changes since 2020	Housing stock April 1, 2023
<i>Single-family detached</i>	617	14	-11	620
<i>Townhome (Single-family attached)</i>	21	0	0	21
<i>Duplex/triplex/quadplex</i>	20	0	0	20
<i>Multifamily (5 or more units)</i>	0	86	0	86
<i>Accessory dwelling units (ADUs)</i>	0	0	0	0
<i>Manufactured homes</i>	0			0
<i>Other units</i>	0			0
Total	658			747

Second, how many of these housing units were occupied by households?

- Each housing type has an estimated occupancy rate. These data come from the most recent American Community Survey estimates for **housing units** and **households, decennial census data** from the U.S. Census Bureau, and **CoStar** (a proprietary data source covering the apartment market).
- Multiplying the number of housing units of each type by the occupancy rate yields the number of households (occupied housing units).

Third, how many people lived in these occupied housing units?

- Each housing type has an estimated average household size. These data come from the most recent American Community Survey estimates of **households** and **population in households** as well as decennial census data from the U.S. Census Bureau.
- Multiplying the number of households in each housing type by the average household size yields the population in households.

	Housing stock April 1, 2023	Occupancy rate	Households (Occupied housing units)	Persons per household	Population in households
<i>Single-family detached</i>	620	90.63%	562	2.4555	1,380
<i>Townhome (Single-family attached)</i>	21	99.25%	21	2.4762	52
<i>Duplex/triplex/quadplex</i>	20	92.98%	19	1.2632	24
<i>Multifamily (5 or more units)</i>	86	93.28%	80	1.7125	137
<i>Accessory dwelling units (ADUs)</i>	0	94.02%	0	1.7246	0
<i>Manufactured homes</i>	0	95.00%	0	2.7704	0
<i>Other units</i>	0	100.00%	0	1.0000	0
Total	747	91.30%	682	2.3358	1,593

To obtain the total population, we also add the number of residents in group quarters facilities.

These are residences that are not part of the standard housing market, such as college dormitories, nursing homes, prisons and jails, and group homes. Data come from the Metropolitan Council's annual survey. A list of facilities in each community can be found at <https://www.metrocouncil.org/populationestimates>.

Population in households	Population in group quarters	Total population April 1, 2023
1,593	0	1,593

Due to rounding, not all estimates can be reproduced exactly from the above inputs.

For more information, see our methodology document, available from <https://www.metrocouncil.org/populationestimates>.