



City of Tonka Bay
 4901 Manitou Road • Tonka Bay, MN 55:
 952-474-7994 • www.cityoftonkabay.ne

Application for
 Variance

OWNER INFORMATION			
Name:		Business Name	
Address:			
City:	State:	Zip:	
Telephone:		Email:	
APPLICANT INFORMATION (if different)			
Name:		Business Name:	
Address:			
City:	State:	Zip:	
Telephone:		Email:	

PROJECT INFORMATION	
Street Address:	Zoning District:
Property Identification Number(s) (PIN #s):	
Legal Description (attach if necessary):	
Brief Summary of Variance Request:	

VARIANCE The City Council may grant a variance to a dimensional requirement of the Tonka Bay Zoning Code. Common requests for a variance include relief from the maximum building height and from the minimum building setbacks. Minnesota State Statute and Tonka Bay City Code section sets the approval criteria for a variance. The applicant must demonstrate that the existing zoning code creates a “practical difficulty” for the owner in their reasonable enjoyment of their property. The approval criteria are provided below.

APPLICANTS STATEMENT

This application should be processed in my name. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct. I agree to reimburse the City of Tonka Bay for the costs of professional planners, engineers, and other consultants hired by the City to review this proposal.

Signature: _____

Date: _____

OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application. I understand that an incomplete application will not be further processed or placed on the City Council agenda.

Signature: _____ Date: _____

Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for additional important information.

FEES

Application fee: \$300.00

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

Escrow fee: \$1,500.00

The escrow fee is used to cover staff expenses, engineering, planning and attorney expenses 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.

Please note: Variances in the past have generally cost approximately between \$2,000 and \$10,000. It depends on how complete the application is and much staff time is needed to answer questions from the applicant, review the materials, etc. Any remaining funds, after expenses, are returned to the applicant. Expenses incurred over \$1500 will be billed to the applicant.

DURATION

Variances 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.

Any remaining funds, after expenses, may be returned to the applicant. Expenses incurred over \$1500 will be billed to the applicant.

(STAFF SECTION) DATE PAID RECEIPT NUMBER INITIALS

FILING REQUIREMENTS

Unless waived by the City Administrator, you must provide all of the following items with the Variance application. An incomplete application will not be processed or placed on the City Council agenda.



3 copies (11"x17") 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 (see next page):

Scale and north arrow

Lot address

Legal description of parcel

Benchmark description, location, and elevation

Property iron locations and elevations

Lot lines and dimensions

Easements and rights-of-way

Parcel size in acres and square feet

Floor area ratio – *existing and proposed*

Hardcover calculations – *existing and proposed*

Location of all hardcover – *including decks, sidewalks, porches, pavers, retaining walls, landscape rock*

All applicable setbacks

Existing structure elevations – *garage floor, lowest floor, and lowest opening*

Proposed structure elevations – *foundation block, garage floor, lowest floor, lowest opening*

Existing & proposed grade elevations at the following locations:

Lot corners

Side lot lines extended from front and rear building lines

Street elevations (centerline, top of curb/edge of roadway) at lot lines and driveway

Building corners

15' outside of principle structure

Grade changes

Retaining walls (top & bottom)

Existing and proposed contours generated by field survey – *LiDAR contours are not allowed*

Arrows indicating the direction of proposed surface drainage

Driveway grade expressed as a percentage

Sanitary service location

Water service location

Nearby well and septic locations

Spot elevations at corners of adjacent structures

Location of existing utilities

Tree location and diameter

Designate trees to be removed

Proposed landscaping and/or stabilization of disturbed areas

Ordinary High Water contour (Lake Minnetonka: 929.4). Floodplain boundary contour (Lake Minnetonka: 931.5).

Wetland boundary and wetland buffers

- A completed application and fees
- Electronic copy of all exhibits (includes application)
- A narrative **addressing the following statements:**

1. Specify the section of ordinance from which a variance is sought.
2. Explain how you wish to vary from the applicable provision(s) of the ordinance and what makes the request reasonable.
3. Explain how the variance requested is the minimum variance necessary to alleviate the practical difficulty?
4. Explain how the variance is in harmony and consistent with the general purposes and intent of the Comprehensive Plan and the zoning ordinance?
5. Explain how the variance will not adversely affect the health, safety, or general welfare of the neighborhood and the City.
6. Explain how the variance is necessary due to special conditions applying to the structures or land in question that are particular to the property, not caused by the owner, and do not apply generally to other land or structures in the district or vicinity in which the land is located.

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:

- 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.

WHAT HAPPENS NEXT?

1. Once an application is received, the City has 15 business days to review for completeness.
2. Once an application is complete, the City Administrator will schedule a public hearing with the City Council and the planning consultants will prepare a report and recommendation. Allow at least 30-60 days from the COMPLETED application date to the City Council hearing. City staff will mail a notice to property owners within 350 feet of the property and to the local newspaper.
3. *As the applicant, your presence is expected at the City Council meeting.* The City Council meets on the second and fourth Tuesdays of each month. The staff report with staff recommendations will be released the Thursday before the Council meeting and can be found at cityoftonkabay.net.
4. Following staff review the proposal will be presented to the City Council. Approval of the variance request requires 4/5 vote of the City Council.
5. *The variance expires one year after approval so timely building permit submittal is important.*
6. The applicant should also reach out to the Minnehaha Creek Watershed District to see if a permit is needed.