



VARIANCE APPLICATION SUBMITTAL INSTRUCTIONS

A variance is an exception granted by the City Council from the requirements of the Zoning Ordinance where strict adherence would cause undue hardship. A variance can be granted when zoning requirements, such as setbacks, cannot be met due to special conditions or circumstances unique to the property and it is determined that such action is keeping with the spirit and intent of the Zoning Ordinance. The property owner must demonstrate that the request meets the required findings for a variance. Variances cannot be granted for a use that is not permitted in a particular district nor can they be granted because of mere convenience or economic considerations alone. The City Council may impose conditions in granting a variance to ensure compliance and to protect public interest and adjacent properties.

The City Council shall make each of the following findings before granting a variance:

- Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the regulations would cause undue hardship. Economic consideration alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the Zoning Ordinance.
- The conditions upon which a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other properties within the same zoning classification.
- The alleged difficulty or hardship has not been created by any persons presently having an interest in the parcel of land.
- The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values.
- The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or public safety.
- The requested variance is the minimum action required to eliminate the hardship.

SUBMITTAL REQUIREMENTS

1. Complete variance application form signed by property fee owners, required filing fee and escrow if required.
2. Abstractor's certified property certificate showing the names and addresses of property owners within 350 feet of the outer boundaries of the subject property (one copy). For

an additional fee, the City can provide the certified list of property owners if a written request is made to the Community Development Department at least 10 days in advance of the submittal date.

3. One (11"x 17") reduced copy and two full size copies drawn to scale of the following exhibits:
 - A. Current certificate of survey depicting buildings, structures and other improvements, prepared and signed by a Minnesota licensed land surveyor, depicting the following information:
 - Scale of plan (engineer scale only at 1" = 50' or less)
 - North arrow
 - Existing boundaries with lot dimensions and area
 - Existing site improvements
 - All encroachments
 - Easements of record
 - Legal description of property
 - Ponds, lakes, springs, rivers or other waterways bordering on or running through subject property
 - B. Site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:
 - Name and address of developer/owner
 - Name and address of engineer/architect/designer
 - Date of plan preparation
 - Name of project or development
 - All proposed improvements, including:
 - Required and proposed setbacks
 - Location, setback and dimensions of all proposed buildings and structures
 - Location of all adjacent buildings located within 100 feet of the exterior boundaries of the property in question
 - Location, number and dimensions of proposed parking spaces, drive aisles and loading spaces if applicable
 - Location, width and setbacks of all curb cuts and driveways
 - Vehicular circulation
 - Sidewalks, walkways and trails
 - Location and type of all proposed lighting
 - Location of rooftop equipment and proposed screening provisions for storage and disposal of waste, garbage and recyclables including details for screening exterior trash/recycling enclosures
 - C. Other plans and information as required by the Zoning Administrator including, but not limited to:
 - Architectural elevations of all principal and accessory building
 - Landscaping Plan
 - Location, type and size of all existing significant trees
 - Type, location and size (area and height) of all proposed signage
 - Sound source control plan
 - Lighting plan
 - Fire protection plan

- Typical floor plan drawn to scale with a summary of square footage for each use or activity
4. Narrative. Written narrative must be provided that fully describes the proposed request.

REVIEW PROCESS

1. Applicant completes application form, submits all required exhibits, and pays filing fee 35 days prior to Planning Commission meeting.
2. All applications are reviewed by the Development Review Committee (DRC) for completeness and applicant is notified in writing by mail, e-mail or fax within 10 calendar days after submittal for completeness.
3. City Clerk schedules the public hearing, mails notice of the hearing to all property owners within 350 feet of the property, and publishes notice of the hearing in the official municipal newspaper.
4. Staff report prepared recommending either approval, approval with modifications or denial and forwarded to Planning Commission at least 3 days prior to hearing; copy sent to applicant.
5. Planning Commission holds public hearing and makes recommendation to the City Council.
6. City Council either approves or denies the application and may stipulate such conditions of approval as deemed necessary to protect the public interest.

NOTES TO APPLICANT

1. All submittals must be filed with the Zoning Administrator no later than 35 days prior to date of hearing.
2. Planning Commission meetings are held on the Thursdays following the City Council meetings. City Council meets on the first and third Mondays of each month. All meetings are held at 7:00 p.m. in the Council Chambers of City Hall.
3. Notices of public hearings are published in the local newspaper on Saturdays. State law requires notices to be published 10 days prior to date of public hearing. If approved the City Council shall adopt the appropriate resolution granting the variance.
4. Approval of a variance request does not constitute permission to initiate building construction. A separate building permit is required.
5. Failure to comply with any condition set forth as part of the variance approval shall constitute a violation of the Zoning Ordinance and is subject to enforcement proceedings.
6. The applicant, as may be applicable, shall be required to guarantee completion of all private improvements as shown on the approved site plan and as required by the

variance approval. Such guarantee shall be made by means of a site improvement performance agreement and a financial guarantee.

7. If substantial development or construction has not taken place within one (1) year of the date of approval of a variance, such variance shall be considered void unless a petition for a time extension has been granted by the City Council. Such extension request shall be submitted in writing at least thirty (30) days prior to expiration of the variance and shall state facts showing a good faith effort to complete work permitted under the original approval.