

**DEFINITION**

Minnesota State Statute in Chapter 462.357, Subdivision 6, (2), defines “practical difficulties” “... the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute practical difficulties.”

The City Council may not permit as a variance any use that is not permitted under the Ordinance for property in the district where the affected person’s land is located. The City Council may impose conditions in the granting of a variance to ensure compliance and to protect adjacent properties.

**FILING REQUIREMENTS**

Unless waived by the Community Development Department, you must provide all the following items with the Variance application. An incomplete application will not be accepted.

Two sets (24" x 36") and 2 reduced copies (11" x 17") of the following drawings:

<ul style="list-style-type: none"> <li><input type="checkbox"/> Registered Survey             <ul style="list-style-type: none"> <li>o All applicable setbacks</li> <li>o Impervious surface coverage</li> <li>o Driveways and sidewalks</li> <li>o Existing structures</li> <li>o Location of all significant trees</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Map of existing conditions</li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> A complete Land Use Application and Application Fee</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Building renderings/elevations specifying building materials</li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> A written statement describing the intended use of the property, how the use would meet the City’s standards for this use and why the City should approve your request. Base your statement how this request would meet the following standards Sec. 109 - 532:             <ol style="list-style-type: none"> <li>1) The property owner proposed to use the property in a reasonable manner not permitted by this chapter.</li> <li>2) The plight of the landowner is due to circumstances unique to the property and not created by the landowner or previous landowners.</li> <li>3) The variance, if granted, will not alter the essential character of the locality.</li> <li>4) Economic considerations alone do not constitute practical difficulties.</li> </ol> </li> </ul>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Electronic copy of all exhibits</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The names and addresses of all current property owners of record within <b>350 feet</b> of the boundaries of the property.</li> </ul>

**PROCEDURE**

- 1) The developer and consultants shall meet with Community Development staff to explain the proposed project and to receive information from staff relative to the site, prior to commencing project design.
- 2) Consult with Community Development staff to determine the ordinances and procedures that apply to your application. Request application packet from Community Development staff.
- 3) The completed application and required development fees, along with all supporting documentation requested herein must be returned on or before the established submittal date.

## PROCEDURE

### **Late and/or incomplete submittals will not be placed on the Planning Commission agenda.**

- 4) The City Planner will schedule a public hearing with the Planning Commission after preparing a report and recommendation. Allow at least 30-60 days from the application date to the Planning Commission hearing. The Community Development staff will mail a notice to property owners within 350 feet of the property. A copy of the staff report will be mailed to the applicant on the Thursday before the Planning Commission Meeting.
- 5) *As the applicant, your presence is expected at the Planning Commission meeting.* The Planning Commission meets on the third Tuesday of each month. The Planning Commission holds a public hearing on the variance request. Following the public hearing, the Planning Commission will discuss the request and vote to recommend to the City Council the approval or denial of the request.
- 6) The City Council considers the request at a following meeting and votes to approve or deny the proposal. The City Council meets on the second and fourth Mondays of each month.
- 7) If a request for a variance or modification of a variance receives approval by the City Council, the applicant shall record such with the Carver County Recorder's Office within thirty (30) days of the City Council approval date. The applicant shall furnish the City written proof within ten (10) days of recording. No building permits for the property in question shall be granted until such written proof of recording is furnished to the City.

### **NOTES**

- 1) Try to discuss your proposal with adjacent property owners before you submit a formal application. Any conflicts that you can resolve ahead of time will make it easier and faster for the City to process your application.
- 2) At its discretion, the City may require an outside consultant to review the proposed application and provide written comment. Such consultants may include: attorney, engineer, city planner, landscape architect or forester. If the City requires such review and comment, the applicant must provide cash escrow to the City to cover the cost of the review. City staff will notify applicants that such review is required prior to hiring the consultant(s).