

## APPLYING FOR A VARIANCE

### Summary of Section 74-121 – 74-124

#### Procedures:

- Complete and submit application for a variance to City Office and **include**:
  - ✓ Nonrefundable check in the amount of \$300 plus \$1,000 escrow (total \$1300).
  - ✓ Eight (8) copies of detailed written graphic materials necessary for the explanation of the request PLUS one (1) electronic copy.
  - ✓ List of property owners, map, and mailing addresses (labels) located within 350 feet of the subject property. (This information can be obtained from Washington County Survey & Land Management office, 11660 Myeron Road N., Stillwater MN 55082; 651-430-4300)
- The request shall be considered as being officially submitted when all the information requirements are complied with.
- The Planning Commission will review the application and recommend Council set public hearing dates.
- The City Council will set a public hearing dates.
- The City will send public hearing notices to all property owners within 350 feet of the subject property within 10 days prior to the public hearing.
- The City Administrator shall instruct appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action at City Council.
- The Planning Commission and city staff shall have the authority to request additional information.
- The applicant or representative shall appear before the Planning Commission to answer questions concerning the proposed variance request.
- The Planning Commission shall conduct the hearing. The Planning Commission, at the public hearing, will make a recommendation to approve or deny your request to City Council.
- City Council will consider the recommendation from the Planning Commission at the next regular City Council meeting and make a motion to approve or deny your request.
- Once a variance is approved, the variance must be completed or utilized within one year or such variance will become null and void unless a petition for extension of time is granted. A request for extension must be received in writing 60 days prior to expiration.

The purpose of a variance is to provide for deviations from the literal provisions of this division in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this division. The board of adjustment and appeals shall not approve any variance request unless they find failure to grant the variance will result in practical difficulties and the following criteria has been met:

1. The proposed variance is consistent with the Comprehensive Plan.
2. The proposed variance is in harmony with the general purpose and intent of this ordinance.
3. The purpose of the variance is not based exclusively upon economic considerations.
4. The plight of the landowner is created by circumstances unique to the property not created by the landowner.
5. The granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
6. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.
7. The requested variance is the minimum action required to eliminate the practical difficulty.
8. The variance does not involve a use that is not allowed within the respective zoning district.
9. That the granting of the variance will not confer special privileges on the parcel in question that are not generally available to other property in the same zoning district.