

VARIANCE APPLICATION INSTRUCTION SHEET

WHAT IS A VARIANCE? A variance is an exception to the rules that are set forth in the City's zoning ordinance.

WHEN IS A VARIANCE NECESSARY? A variance may be necessary when a landowner wishes to develop property, and due to the uniqueness of their lot, they are unable to comply with the ordinance.

CAN ANYONE GET A VARIANCE? No. The courts have said the applicant has a "heavy burden of proof" to show there are no reasonable development options, and there is "hardship" in following the rules of the ordinance.

WHAT IS A HARDSHIP? "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; 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. *Minnesota Statutes 394.27*

WHO DECIDES IF I WILL GET A VARIANCE? The decision is made at a public hearing on whether hardship has been demonstrated, by the Planning & Zoning Commission. The information provided by the applicant, public comment, staff site visit, report and recommendation, all help the Board determine whether hardship has been demonstrated.

APPLICATION AND SKETCH

Please fill out the variance application thoroughly. A neat sketch that is generally to scale and shows all of the physical characteristics of your property are especially important. Examples of the physical characteristics we need to see are: **accurate property dimensions and shape, accurate shoreline alignment, road centerline and right-of-way, all existing and proposed structures with dimensions, septic system, wells, driveways, vegetation, steep slopes, topographic alterations, wetlands, etc.**

RETURN APPLICATION AND FEE TO:

Proctor Area Community Center
Proctor City Hall Offices
100 Pionk Drive
Proctor MN 55810

NOTE: BE SURE TO FILL IN BOTH SIDES OF APPLICATION

~~EXPLANATION OF REQUEST~~

What specific standard(s) are you requesting variance from? (ie. lot size, road setback, etc.)

What is the required standard(s) or measurements? _____

What standard(s) or measurement(s) are you requesting? _____

What construction options or alternatives do you have that may eliminate the need for a variance?

Are there unavoidable physical features on your property such as ledgerock, wetlands, bluffs or steep slopes that severely limit your construction site options? *YES NO*
If yes, explain _____

Does the architectural design or floor plan of your building (ie. location of kitchen or bathroom facilities, roof lines or fireplace) severely limit your construction options?

If your proposal is for an addition, what modifications to the existing structure are intended or required? _____

Is there any other information that would help us determine if you should be granted a variance to the rules other property owners must follow?

**CITY OF PROCTOR
APPLICATION FOR VARIANCE**

NOTE: BOTH SIDES MUST BE COMPLETED - SITE PLAN MUST BE SUBMITTED

Address of Property _____ Parcel No. _____
 Legal Description _____

OWNER

Name: _____ Address: _____
 Phone: _____ City: _____ State: _____ Zip Code: _____

APPLICANT

Name: _____ Address: _____
 Phone: _____ City: _____ State: _____ Zip Code: _____

Now Zoned: R-1 R-2 R-3 C-1 C-2 S I (Circle One)

Application is hereby made for a variance as follows: (note the Proctor City Code number that the variance applies to) _____

Attach site plan and variance criteria responses on reverse side of form must be completed for application to be considered complete. City Staff will review and send written conformation of formal acceptance.

The owner of this property and the undersigned agree to conform to all applicable laws of PROCTOR, MN and to allow access to said property by Proctor building officials and Planning and Zoning Commissioners. It is the applicants/property owners responsibility to build on their own property and call for required inspections.

Fee: \$ 150.00

Applicant: _____

Receipt Date: _____

By: _____

Date: _____

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FOR CITY HALL USE - CHRONOLOGY

	Date	By
Received by City Offices	____/____/____	_____
Ruled complete	____/____/____	_____
Published by City Offices (for public hearings)	____/____/____	_____
Distributed to: (for review and comment)	____/____/____	_____
Notice Mailed Applicant	____/____/____	_____
Adjacent Property Owners Notified	____/____/____	_____
On Planning Commission Agenda	____/____/____	_____

PLANNING COMMISSION/ZONING BOARD

_____, 20____

The action requested in the foregoing petition was: _____ Approved _____ Disapproved

 Planning & Zoning Chairperson

Please note here the unnecessary hardship which causes need for variance (hardship cannot be purely economic) _____

Proctor City Code §1002.17 Subd. 6. Variances. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special condition, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

- (1) A written application for a variance is submitted demonstrating:
- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

Applicant comments: _____

- (b) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

Applicant comments: _____

- (c) That the special conditions and circumstances do not result from the actions of the applicant;

Applicant comments: _____

- (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Applicant comments: _____

- (2) Notice of public hearing shall be given as in §1002.19.
- (3) The public hearing shall be held. Any party may appear in person, by agent, or by attorney.
- (4) The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for variance.
- (5) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (6) That Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.