



VARIANCE PROCEDURE¹

The Minnetrista City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. A variance request is the mechanism that allows the City Council to determine whether a project deviating from code should be permitted. In order to successfully receive a variance, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed variance and obtain a land use application form from City Hall.
2. Put together an informational packet (described herein) that outlines your request and outlines all reasons as to why the variance should be granted.
3. Submit your completed packet to staff by the applicable due date for review. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete as of the due date shall not be reviewed until the following month².
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, and notifying a public hearing.
5. The Planning Commission will review the request at their monthly meeting (4th Monday of every month³) and forward a recommendation onto City Council (1st Monday of the following month³). Applicants are advised to attend both the Commission meeting and the Council meeting and be open to questions that might be posed regarding the request.
6. The City Council will consider the request and either grant or deny the variance.

Above all else, it is imperative that you begin your preparations as early as possible to insure your application is complete at least one month prior to the next planning commission meeting. Because of state mandated notification requirements, there may be **NO** exceptions to this deadline.

The City Council has established the following fees⁴ per the adopted Fee Schedule Ordinance for variance requests:

- Structural \$300 + \$300 Deposit
- Wetlands \$300 + \$300 Deposit

Please note that it is the responsibility of the applicant to provide all required information and to illustrate all reasons why the requested variance should be granted. City staff is not authorized, nor permitted, to prepare applications since the “burden of proof” rests with the applicant to justify the specific request.

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Minnetrista City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Minnesota State Statute 15.99 requires local governments to review an application within review the 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

³ Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

⁴ Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, postage, legal expenses, and et cetera).



At a minimum, the following materials must be submitted prior to deeming an application complete.

Sub: Req: Item:

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|--------------------------|--------------------------|-----------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. | A completed land use application form signed by all property owners along with payment of the proper filing fee. |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. | Written statements providing information regarding your proposal. <u>Please provide a separate answer for each of the lettered items listed below</u> (answers must be submitted in both hard copy and electronic form): <ul style="list-style-type: none">a. A list of all current property owners (if individually owned), all general and limited partners (if a partnership), all managers and directors (if a limited liability company), and/or officers and directors (if a corporation) involved as either applicants or owners.b. A listing of the following site data: legal description of the property (including lot/block, plat name, and parcel identification number), parcel size (in acres and square feet), existing use of land, and current zoning.c. State the provision(s) of the Minnetrista City Code for which you seek a variance. (<i>For example, Section 505.15 Subd. 2. <u>Lot area, depth, width, coverage, setbacks, and height standards</u>.</i>)d. A <u>specific written description of the proposal</u> and how it varies from the applicable provisions of Minnetrista City Code.e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.f. Explain how the proposal is in harmony with the general purposes and intent of Minnetrista City Code and how proposal is consistent with the current Minnetrista Comprehensive Plan.g. Explain how there are practical difficulties in complying with Minnetrista City Code. Practical difficulties means:<ul style="list-style-type: none">i. The property owner proposes to use the property in a reasonable manner not permitted by Minnetrista City Code;ii. The plight of the landowner is due to circumstances unique to the property not created by the landowner; andiii. The variance, if granted, would not alter the essential character of the locality.h. Provide justification that the variance request is not based exclusively upon a desire to increase the value or income potential of the parcel of land.i. Justify that the granting of the requested variance will not: 1) adversely affect the health or safety of persons residing or working in the neighborhood; 2) impair an adequate supply of light and air to adjacent properties; 3) be injurious to property or improvements in the neighborhood; 4) increase the congestion on public streets; 5) endanger public safety; 6) or substantially diminish or impair property values within the neighborhood. |



- | <u>Sub:</u> | <u>Req:</u> | <u>Item:</u> |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Verification of ownership (a copy of a current title report, purchase agreement, etc.) |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Address labels: Two (2) lists of names and addresses of the owners of all property within five hundred (500) feet of the boundaries of the property in question. One (1) list shall be typed on mailing labels (33 labels per sheet) and the other list shall be a reproducible copy of those labels. Please see Exhibit A of this handout which provides basic instructions on how to acquire a Property Owners List online from Hennepin County. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Area Map: One (1) copy of an area map showing the parcel(s) in question and the surrounding properties. <u>You will receive this map with your address labels from Hennepin County (see # 4 above).</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Survey: Three (3) copies of a certified survey depicting the lots or tracts upon which a variance is requested. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller ⁵ than 8½ x 11, and be pre-folded for distribution. Staff will assist you in determining what is required. The survey will not be considered complete unless all required elements are included. |

The following are required for inclusion on your survey:

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|--------------------------|---|
| <input type="checkbox"/> | Location, Floor Area, and Building Envelope of <u>Existing & Proposed</u> Structures |
| <input type="checkbox"/> | Lot Lines |
| <input type="checkbox"/> | Parcel Size in Acres & Square Feet |
| <input type="checkbox"/> | Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line |
| <input type="checkbox"/> | Actual elevations for Garage Floor, Basement Floor, Foundation Top, & Building Height |
| <input type="checkbox"/> | Lowest Floor Elevation if any part of property is in flood plain |
| <input type="checkbox"/> | <u>All Water Features:</u> Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water |
| <input type="checkbox"/> | Existing topographic character of land showing contours at <u>2' intervals</u> |
| <input type="checkbox"/> | Proposed topographic character at <u>2' intervals</u> |
| <input type="checkbox"/> | Flow arrows indicating direction of drainage |
| <input type="checkbox"/> | Location of Trees 4" diameter and larger |
| <input type="checkbox"/> | All Adjacent Structures Within 100 Feet of Property |
| <input type="checkbox"/> | All Easements (Road, Utility, Drainage, etc.) |
| <input type="checkbox"/> | Public Right-of-Way Name (street name) |
| <input type="checkbox"/> | Proposed driveway location and proposed driveway grades |
| <input type="checkbox"/> | Wells & Neighboring Wells if New Drainfield is Installed |
| <input type="checkbox"/> | Septic System & Drainfield, or Sanitary Sewer Connection |

⁵ If your survey must be larger than 11x17 to be fully legible, we ask that that three (3) copies of the plan be in the large format and three (3) reduced to 11x17.



- ☐ Percolation Test & Soil Boring Holes (if applicable)
- ☐ Hardcover Calculations – % and square footage of:
 - Building coverage
 - Public street right-of-way
 - Driveway and parking
 - Open space and/or landscaped area
- ☐ Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping
- ☐ Location of adjacent Municipal boundaries
- ☐ Shoreline and/or tops of bluffs (if applicable)
- ☐ Administrative Information:
 - Scale
 - PID Number
 - North Point
 - Site Address
 - Signature of Surveyor
 - Legal Description
 - Date of Preparation (THE REVISION BOX MUST BE CONTINUALLY UPDATED AS CHANGES OCCUR!!!)
 - Subdivision Name (if applicable)
 - Zoning Classification
- ☐ ☐ 7. Any **other information** required by city staff, commissioners, or council members necessary to provide a complete review of the variance request. Information deemed critical to the review process not listed in this handout may be requested⁶.

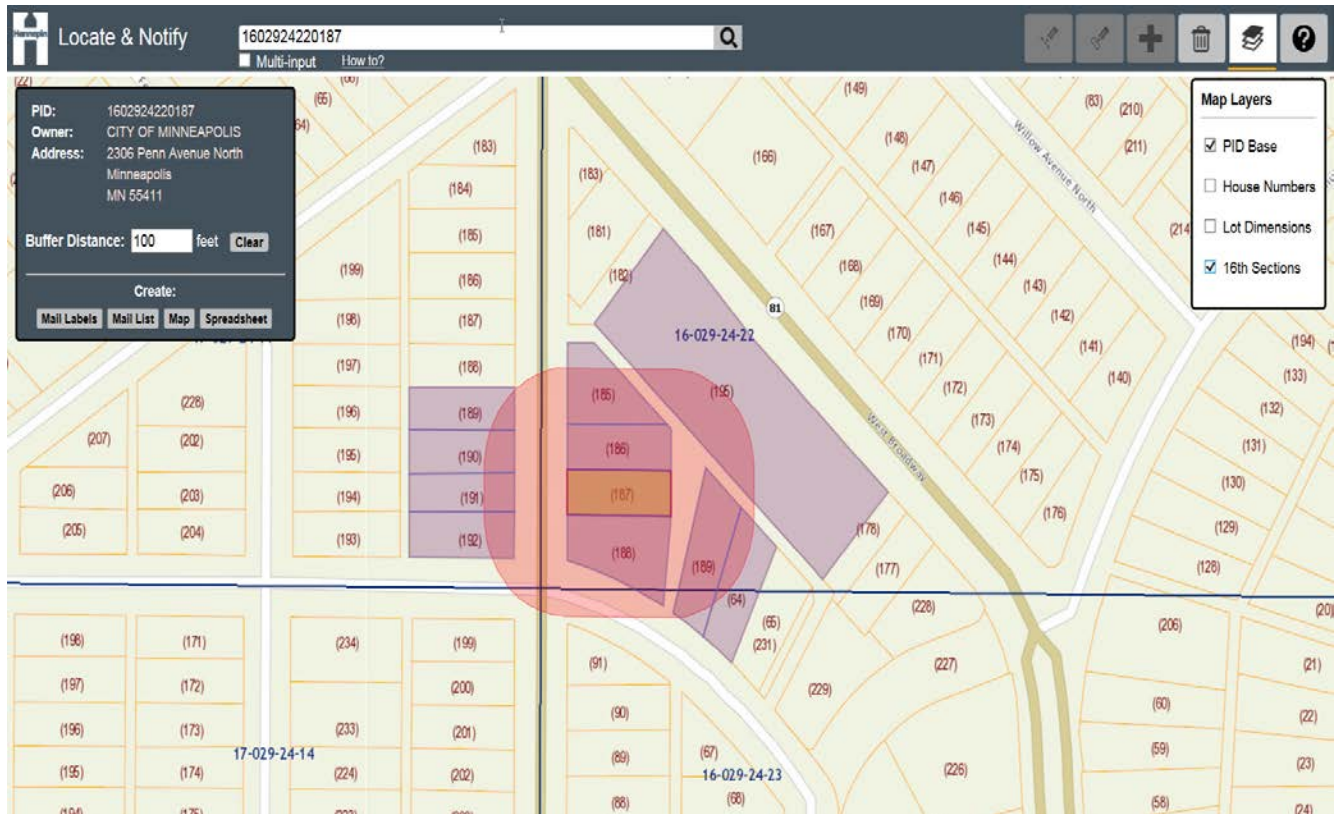
If you have any further questions that are not covered by this handout, please contact the planning staff at City Hall: (952) 446 – 1660. We look forward to assisting you!

⁶ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

Exhibit A

VARIANCE LIST (PROPERTY OWNERS LIST) BASIC INSTRUCTIONS

1. Open the Locate & Notify application: <https://gis.hennepin.us/locatenotify/default.aspx>
2. Enter PID Number or address of the parcel of interest (PID#s are preferred search input).
 - a. If multiple PID#s are needed, simply use the left mouse button and click on the adjacent parcels after the application has zoomed into your area of interest.
3. Hit “Map Layers” and select “16th Sections” to turn on Section/Range/Township lines for your map.
 - a. If the Platted Lots (underlying Legal Description) layer is desired, turn on “Lot Dimensions” layer and turn off “PID Base” layer. Some cities request this on specialized land use applications.
4. Enter the distance required for your application criteria in the “Buffer Distance” section, and buffer.
5. Copy the parcel Address to your clipboard for later use in your “Map Notes” if desired.
6. **Click Mail List Button**, print the list and save a copy if desired.
7. **Click Mail Labels Button**, print labels “actual size”, do not shrink to fit or labels could overrun on later pages (standard 8.5 x 11 – 30 labels per sheet), usually must select a specific printer tray or manual feeder, save a copy if desired.
8. **Click Map Button** and paste the parcel address or add notes to map as desired, print and save copy if desired.
 - a. ****If you have a buffer selected and nothing happens when clicking List, Labels, or Map button, check your internet browser’s pop-up settings. Pop-ups must be allowed for the list, labels, or map, output to display in order to print and save.**



****Below image shows how the map looks with the “Lot Dimension” layer turned on****

