



## VARIANCE APPLICATION CHECKLIST & RESPONSE FORM

Applications will be scheduled for consideration by the Planning Commission and/or City Council only after all required materials have been submitted. Application submittal deadlines are available on the City's website or by contacting the Community Development Manager.

**Late or incomplete applications will not be accepted.**

### Office Use Only:

Case #: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

**A. PURPOSE:** Pursuant to City Code Section 12-1L-5, the City Council may grant variances from the strict application of the provisions of the City Code and impose conditions and safeguards in the variances so granted in cases where there are practical difficulties in carrying out the strict letter of the regulations of the Code. "Practical difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this chapter; 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 neighborhood. Economic considerations alone do not constitute practical difficulties. Please consider these requirements carefully before requesting a variance.

### B. APPLICATION REQUIREMENTS:

*The following materials must be submitted for the application to be considered complete:*

Completed Planning Application, with signatures/dates from the Applicant and/or Property Owner, if different from the Applicant. The application must also include the attached "Statement Explaining Escrow Fee Payment" form, to be signed by the Applicant.

Fee (*including escrow*) as noted in the attached Fee Schedule with Planning Application. Checks made payable to **City of Mendota Heights**.

*NOTE: Planning Application fees and escrow fees do not cover building permit fees, utilities, or other fees which may be required after application approval or to complete the proposed project.*

Letter of Intent. The Applicant's letter must include a narrative describing and justifying the need of the variance, and provide an explanation of any exceptional conditions or the peculiar and practical difficulties claimed as a basis for a variance.

One (1) electronic copy via email, flash-drive or similar, plus two (2) full-sized hard copy sets with measurable scale of all required plans

Electronic and hard copies of all the required materials must be submitted according to the Planning Application submittal schedule.

**Sketch Plan (to-scale drawing or certified survey, if determined necessary):**

- Location and setbacks of all buildings on the property in question including both existing and proposed structures.
- Location of any easements having an influence upon the variance request.
- [OPTIONAL] Written consent and waiver of public hearing, in a form prescribed by the city (attached), by the owners of property within one hundred feet (100') of the boundaries of the property for which the variance is requested, accompanied by a map indicating the location of the property in question and the location of the property owners who have given consent.

*[Note: regardless if Applicant obtains this written consent and waiver, the City of Mendota Heights reserves the right to present this variance request under a standard public hearing review process. The Applicant may also use this consent form as a "Petition of Support" from neighboring owners as part of their submittal materials to the planning commission and city council.]*

- If topography or extreme grade is the basis on which the request is made, all topographic contours shall be submitted.
- If the application involves a cutting of a curb for a driveway or grading a driveway, the applicant shall have his plan approved by the city public works director prior to construction.

**C. Referral to and Recommendation of Planning Commission:** Before authorization of any variance, the request therefor shall be referred to the planning commission for study concerning the effect of the proposed variance upon the comprehensive plan and on the character and development of the neighborhood, and for its recommendation to the council for the granting of such variance from the strict application of the provisions of this chapter so as to relieve such difficulties or hardships to the degree considered reasonable without impairing the intent and purpose of this chapter and the comprehensive plan. The planning commission shall recommend such conditions related to the variance regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable.

**D. Planning Commission Hearing:** The planning commission shall hold a public hearing on applications for variances which are not accompanied by the written consent of owners of property within one hundred feet (100') of the boundaries of the property in question, affording an opportunity for all parties interested to be heard. The city clerk shall establish the date for the public hearing and shall give not less than ten (10) days' nor more than thirty (30) days' mailed notice of the time and place of such hearing to the owner or owners of the property in question and to each of the property owners within ~~one hundred foot (100')~~ three-hundred fifty feet (350')\* of the outside boundaries of the property for which said variance is requested. Such notice shall contain the description of the property for which such variance is proposed and the proposed variance. Failure to mail such notice or failure of the property owners to receive said notice shall not invalidate the proceedings.

\* The city chooses to follow State Statute 462.357, Subd. 3

**E. Action by City Council:**

1. **Grant of Variance:** In considering applications for variance under this chapter, the council shall consider the advice and recommendations of the planning commission and the effect of the proposed variance upon the health, safety, and welfare of the community, existing and anticipated, traffic conditions, light and air, danger of fire, risk to the public safety, and the effect on value of properties in the surrounding area, and the effect of the proposed variance upon the comprehensive plan. If the council shall determine by resolution that the special conditions applying to the structure or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located, and that the granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and that granting the proposed variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values in the surrounding area, or in any other way impair health, safety, comfort, or morals, or in any other respect be contrary to the intent of this chapter and that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate undue hardship or difficulty, the council may grant such variance and impose conditions and safeguards therein.
2. **Denial of Variance:** Variances may be denied by resolution of the council, and such resolution shall include a finding and determination by the city council that the conditions required for approval do not exist.
3. **Action Without Recommendation of Planning Commission:** If no recommendation is transmitted by the planning commission within sixty (60) days after referral of the application for variance to the planning commission, the council may take action without further awaiting such recommendation.

**F. Revocation of Variance:** A violation of any conditions set forth in granting a variance shall be a violation of this chapter and automatically terminates the variance. A variance shall become void one year after it was granted unless made use of within the year or such longer period prescribed by the council.

**Please answer the following three questions as they relate to the variance request.**

**Responses will be presented to the Planning Commission & City Council.**

*(Note: you may fill-in this form or create your own)*

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- 1. Are there any practical difficulties that help support the granting of this variance?** (Note: "practical difficulties" as used in connection with the granting of a variance, means that the owner proposes to use the property in a reasonable manner not permitted by City Code. Economic considerations alone do not constitute a practical difficulty).

YES       NO

*Please describe or identify any practical difficulties and/or how you plan to use the property in a reasonable manner below:*

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- 2. Are there any circumstances unique to the property (not created by the owner) that support the granting of this variance?**

YES       NO

*Please describe or identify any unique circumstances below:*

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- 3. If the variance was granted, would it alter the essential character of the neighborhood?**

YES       NO

*Why or Why Not? Please explain how the request fits with the character of the neighborhood.*

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## **NEIGHBOR SIGNATURES OF CONSENT**



## FOR VARIANCE REQUEST

**To:** The Mendota Heights Planning Commission

**From:**

**Subject:** Application for a Variance at: \_\_\_\_\_

The request for a Variance is (*please describe accurately*):

*If written consent by all property owners within 100 feet of the boundaries of the subject property is obtained, the city may waive the requirement for a public hearing.*

We, the undersigned have reviewed the plans for the above-described project, as requested by the property owner(s) identified above, and understand the terms and conditions of the requested variance.

We have no objections to this variance request, and do hereby give our written consent and waiver of a public hearing (*only one representative of the property is required for signature*):

NAME (Please Print)

## ADDRESS

**SIGNATURE**