

# City of Wahkon

## Variance Application and Review Process

**Definition:** A deviation from the strict interpretation of the Zoning Ordinance. For example, if the Zoning Ordinance requires a 20 foot setback and you are requesting that a building be placed 10 feet from the setback, a 10 foot variance is required. Requesting a variance requires a survey. Approval of a variance must meet the practical difficulty test. A practical difficulty is considered a condition that is unique to the property.

**Timeline:** Variance applications will be reviewed by City staff and discussed in a public hearing by the Board. Minnesota State Statute 15.99 allows communities a timeframe of 60 days to review planning applications. If necessary, a City can extend the review period for an additional 60 days. The 60 day timeframe does not start until a planning application is deemed complete. This information includes a completed planning application, site plan, and fees paid in full.

### **Variance Procedure: Typical Timeframe 30-45 days**

**Step 1 Complete the Variance Application.** Fill out the Variance Application. Describe in detail the request for a variance.

**Step 2 Pay application fee.** The application fee, escrow and required survey are due at time of application.

**Step 3 Provide scaled site plan.** Provide a site plan (draw to scale) of the request. The site plan will be reviewed by the City's planning consultant and will advise the applicant of any issues prior to the public meeting.

**Step 4 Write Narrative.** This narrative should fully explain the "practical difficulty" that justifies the departure from the strict application of the Zoning Ordinance. The problem that justifies the variance must be caused by conditions beyond the control of the applicant.

**Step 5 Initial Review.** Applications will be reviewed for completeness by City staff, and a determination of completeness will be provided to the applicant.

**Step 6 Staff Report.** City staff will prepare a report summarizing the application, reviewing it against the City's ordinances and policies, and providing a recommendation to the Board of Adjustment and Appeals.

**Step 7 Board Public Hearing and Council Action.** All planning applications require a public hearing before the Board. The Board has the authority to recommend approval or denial of an application to the City Council. The City Council will take formal action on the planning application at their next regular council meeting.

## VARIANCE CHECKLIST

- \_\_\_\_\_ Completed application, including signature of property owner
- \_\_\_\_\_ Fee (checks are to be made out to the City of Wahkon)
- \_\_\_\_\_ Sewer connection and driveway discussed with WW Operator/Maintenance, Chris Weinreich  
#320-630-6461
- \_\_\_\_\_ All current City charges paid
- \_\_\_\_\_ Property taxes are current
- \_\_\_\_\_ No outstanding violations
- \_\_\_\_\_ Survey
- \_\_\_\_\_ Site plan as close to scale as possible with the following information, as a minimum (unless  
waived by Zoning Administrator):
  - \_\_\_\_\_ Size of parcel and dimensions
  - \_\_\_\_\_ All existing structures, their square footage, height, distance from all property lines and  
setbacks (including road, bluff and lake OHW level) and each other
  - \_\_\_\_\_ All proposed structures, their square footage, height, distance from all property lines  
and setbacks (including road, bluff and lake OHW level) and each other
  - \_\_\_\_\_ Location on the parcel of existing and proposed sewage treatment systems (ISTS) and wells and their  
distance from property lines, structures and each other
  - \_\_\_\_\_ Existing and/or proposed square footage of the driveway (gravel and paved), access  
roads, parking, sidewalks

### **City Staff**

### **Verification**

Clerk/Treas: \_\_\_\_\_

Date: \_\_\_\_\_

WW Oper/Maint: \_\_\_\_\_

**CITY OF WAHKON  
VARIANCE APPLICATION**

(A) Applicant's Name \_\_\_\_\_ Phone \_\_\_\_\_

(B) Address \_\_\_\_\_

(C) Legal Description of Property \_\_\_\_\_

(D) Property Owner's Name (if different from above) \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

(E) Description of Request \_\_\_\_\_

(F) Reason(s) for Request \_\_\_\_\_

(G) Present Zoning Classification \_\_\_\_\_

(H) Existing Use of Property \_\_\_\_\_

(I) Section of Ordinance in which a variance is sought: \_\_\_\_\_

(J) Please answer the following questions as they relate to your project:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes  No why or why not:

\_\_\_\_\_  
\_\_\_\_\_

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes  No why or why not:

\_\_\_\_\_  
\_\_\_\_\_

3. In your opinion, does the proposal put the property to use in a reasonable manner?

Yes  No why or why not:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. In your opinion, are there circumstances unique to the property?

Yes  No why or why not:

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5. In your opinion, will the variance maintain the essential character of the locality?

Yes  No why or why not:

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6. In your opinion, are economic considerations the only basis for your variance request?

Yes  No why or why not:

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The City must make an affirmative finding on all five of the criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The City shall not consider as a variance any use that is not permitted for the property in the district where the affected person's land is located.

No application for a variance shall be considered by the Council within a 1-year period following a denial of the request unless, in the opinion of the Zoning Administrator, new evidence or a change in circumstances warrant it.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of applicable City Ordinances. Submittal of the application, required information and fee does not guarantee the issuance of a variance. Additional information may be needed or conditions may exist that would prevent the actual granting of a variance.

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Applicant Signature

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Date

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Property Owner Signature

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Date

**FOR OFFICE USE ONLY**

Date Submitted \_\_\_\_\_ Date Accepted \_\_\_\_\_ Fee Paid \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

(Circle one) Approved Denied by the City Council on \_\_\_\_\_, \_\_\_\_\_.

If approved, the following conditions were prescribed:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

If denied, denial was for the following reason(s): \_\_\_\_\_

\_\_\_\_\_

**PROCEDURES:** The procedure for obtaining a Variance from the regulations of the Zoning Ordinance are as follows:

- 1. The property owner or his agent shall file the completed application together with the required exhibits and pay a filing fee as established by the City Council.
- 2. When the City Clerk determines the application to be complete the public hearing date will be set.
- 3. The City Clerk shall publish a notice of the Public Hearing at least once in the legal newspaper not less than ten (10) days prior to the hearing.
- 4. The City Clerk shall give written notice to all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
- 5. The City Council shall take action to approve or deny the application within sixty (60) days of receiving a completed application. If the Council cannot take action to approve or deny the application within these sixty (60) days, the Council may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant in writing.
- 8. The City Council shall act upon the application within thirty (30) days after the Public Hearing.
- 9. No application for a Variance shall be considered by the City Council within a one (1) year period following a denial of such request, except that the Zoning Administrator may permit a new application to be filed if new evidence or a change in circumstances warrant it.

**REQUIRED EXHIBITS FOR VARIANCES** The following exhibits shall be required:

- \_\_\_ Yes \_\_\_ No      1. A completed application form
- \_\_\_ Yes \_\_\_ No      2. An accurate boundary description of the property, in some cases a certified survey of the property will be required.
- \_\_\_ Yes \_\_\_ No      3. Evidence of ownership or enforceable option on the property
- \_\_\_ Yes \_\_\_ No      4. An accurate drawing, at scale, showing property lines, locations of existing buildings and proposed project.

**NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE ISSUANCE OF A VARIANCE. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A VARIANCE.**

## Impervious Surface Calculation for Your Lot

Name: \_\_\_\_\_ PID # \_\_\_\_\_

Property Address: \_\_\_\_\_ Wahkon, MN

	Structure or Impervious Surface	Dimensions	Total sq. ft.
1	Existing or Proposed Dwelling		
2	Proposed Dwelling Addition		
3	Existing Accessory Structure		
4	Existing Accessory Structure		
5	Proposed Accessory Structure		
6	Sidewalks		
7	Deck with Impervious Below		
8	Deck with Impervious Below		
9	Patio(s)		
10	Driveways and Parking Areas		
11			
12			
13			
		Total Impervious Surface (A)	

**Existing Lot Dimensions:**

\_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_ sq. ft. (B)

**Impervious coverage (A divided by B multiplied by 100)**

(A) \_\_\_\_\_ ÷ (B) \_\_\_\_\_ X 100 = \_\_\_\_\_ %

# Site Plan



**Include:** Property lines, water features, existing and proposed structures, septic systems, drainage, wells and roads.

