



Land Use Management
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Variance

Pursuant to Goodhue County Zoning Ordinance Article 5: the Board of Adjustment shall have the authority to order the issuance of variances, hear and direct appeals from and review any order, requirement, decision, or determination made by any administrative official.

The Land Use Management Department (LUM) staff are available to advise you in the preparation of this application. Call (651) 385-3104 for further information.

WHAT IS A VARIANCE?

A variance is a request for an exception to an Ordinance. The Goodhue County Ordinances regulate the use of property, including the size, design, and siting of buildings that may be constructed or expanded on a piece of property. The Ordinance has required standards for buildings such as rear and front yard setbacks, usable open space, height, and parking etc. Variances are unique in nature, and no property or request is identical. A variance does not establish a precedent for another circumstance or property. The Board of Adjustment makes all variance decisions on a case-by-case basis.

WHEN IS A VARIANCE NEEDED?

The authority to grant a variance shall be applied only when the plain and literal interpretation and enforcement of the Ordinance would result in practical difficulties, exceptional circumstances, or where the results would be inconsistent with the general purpose of the Ordinance. There may be special circumstances that make it difficult for a project to meet all of the Zoning Ordinance requirements. In those instances, a project applicant may request that the Board of Adjustment grant a Variance from the Ordinance requirements. The Board of Adjustment has the authority to grant only those variances that are consistent with the general purpose and the intent of the Ordinance.

Variances are limited to situations where the peculiar physical characteristics of a property make it prohibitive to reasonably use under standard regulations. A variance is granted in order to bring disadvantaged properties to the same enjoyment nearby properties in the same zone enjoy. For instance, where the permitted developable area of a lot would negatively impact a bluff, a variance might be approved to construct a structure in the front yard setback. Similarly, a parcel's shape might preclude construction of a garage unless side yard setback requirements are reduced by approval of a variance.

HOW DOES THE PROCESS WORK?

Thank you for your patience during the Variance review process. Please take the time to review the following instructions and contact the LUM Department to request an appointment to discuss the review process before submitting the application and fees.

After a complete application is received, the assigned staff will review the application in accordance with the Goodhue County Comprehensive Plan, the Ordinance and Department policies. Then a Board of Adjustment hearing date to consider the Variance request will be scheduled.

PUBLIC HEARING PROCESS:

The Zoning Administrator requests that Applicants familiarize themselves with the procedure for public hearings.

Hearings. A public hearing may be held before the Board of Adjustment at either a Regular (every 4th Monday of the month) or a Special Meeting. The Board of Adjustment can limit public comment and may otherwise change the Boards procedures for the conduct of public hearings. The typical meeting is as follows:

1. At the meeting the Zoning Administrator will describe the case along with the Planning Department's recommendation.
2. The Applicant will then have a chance to speak.
3. The Chair will open the Public Hearing for comments.
4. The project sponsor or applicant will be given a period within which to clarify any questions the Board members may have
5. The Board of Adjustment will discuss the matter, and make a motion to approve, table or deny. The board may apply conditions for approval or maintenance of the variance.

Conditions: The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related and bear a rough proportionality to the impacts created by the variance. If a condition is not met or maintained the variance can be revoked.

Opportunities for Appeals: The determination of the Board of Adjustment is final. An appeal from a determination of the Board of Adjustment must be filed with District Court within thirty (30) days of the decision. An appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life or property.

Expiration of Variance: Variance decisions shall expire and be considered null and void one (1) year after the Board of Adjustment's final decision to grant the variance if no permit for construction has been issued. One (1) administrative extension of up to one (1) year may be granted by the Zoning Administrator upon written request of the property owner, provided there is reasonable cause for the request and further provided the written request is made no less than thirty (30) days prior to expiration of the variance

To file your Variance application, please call (651) 385-3104 in advance to schedule an appointment with staff. At your appointment with staff, please bring the application completed to the best of your ability with all required materials

FINDINGS FOR VARIANCE:

Before any such variance may be granted, The Board of Adjustment shall specify in their findings, the facts in each case which shall establish:

They are in harmony with the general purposes and intent of the official control;

The variances are consistent with the comprehensive plan;

There are practical difficulties in complying with the official control. "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 an official control. Economic considerations alone do not constitute practical difficulties.

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.

No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

BOARD OF ADJUSTMENT TIMELINE:

The timeline discussed herein is for the Application, supporting materials and payment. If the applicant does not submit the necessary material by the defined deadline, the application will not be considered complete.

It is recommended the Applicant(s) or representative meet with staff to complete the application and answer any questions the Board may have.

Four weeks before the hearing: Applicant submits the completed application form with the required filing fee to the LUM department and any project graphics (plans, renderings, etc.), or supporting materials.

Three weeks before the hearing: a notice is sent to the County's official newspaper for publication.

Two weeks before the hearing: LUM staff drafts the staff report to the Board for review (a site visit may be scheduled as well).

Ten days before the hearing: property owners within 500 feet of the affected property (or the nearest 10 landowners) received a notification of the variance request.

One week before the hearing: BOA members receive complete packets, all applicant materials, and any public comment to be included in packets.

WHO MAY APPLY FOR A VARIANCE?

The property owner or a party designated as the owner's agent may apply for a Variance, because the Variance runs with the property; therefore. Documentation must be provided that gives that Agent authority to apply.

APPLICATION AND SUPPORTING DOCUMENTATION:

The enclosed Application for a Variance requires necessary contact information, a project description, and the findings. The findings for the Variance process ask if the variance is in harmony with the County's intent, if the variance is congruent with the Comprehensive Plan, for the applicant to prove practical difficulty and whether there is an adverse impact on surrounding neighbors. A majority of the Board must decide that all five criteria have been satisfied to grant the variance. The Board expects to be convinced the proposal is the minimum degree of non-conformity. The application and supplemental materials should include:

1. **Variance Application:** Completed application form, with the owners consent.
2. **Township:** Township signature (on the application) of acknowledgment and awareness of the request. The Township does not need to approve of the variance.
3. **Statement:** The variance request and a statement outlining the unique or particular situation or practical difficulties involved that create the need for a variance.
4. **Required fees.** Please refer to the Goodhue County Land Use Management Department Fee Schedule. As of 2017 the Variance and Appeal fee is \$350.
5. **Current Property Taxes:** Please provide proof there are no delinquent property taxes.
6. **State and Federal Licenses or Permits:** Provide proof that all necessary state and federal permits have been obtained or submitted for approval.
7. **Drawings and pictures:** The application must be accompanied by plans sufficient for proper determination of the request. In most cases a **site plan** is required, as defined in Article 10 Section 2 Subd. 95, showing all pertinent dimensions, buildings and significant natural features. The application may be accompanied by photographs, large enough to show the nature of the property.
8. **Septic Compliance:** When the septic system of the parcel on which the request was made is located within the shoreland overlay district, a recent septic compliance certification must be submitted.

It is at the Zoning Administrators discretion to require additional information.

Building Permits are a separate application, process and fee.

LAND USE MANAGEMENT'S PROCESS

Receipt of this application and fee by the LUM Department opens the Planning file. The file will be assigned to a planner who reviews the application for completeness or whether additional information is needed.

All plans and other exhibits submitted with this application will be retained as part of the permanent record in this case, and pertinent information will be included in the packets for Board of Adjustment Commissioners.

Goodhue County has 10 days from when the completed application is received to inform Applicant if it is rejected or requires more information. Otherwise it should be considered accepted and on the agenda for the next public hearing at the regularly scheduled BOA meeting. Action will be taken on all complete applications within 60 days of receipt of a completed application.

10 days before the BOA public hearing LUM staff will provide notice of public hearing to the official County paper, the Republican Eagle, and a notice of public hearing to every property owner within 500 feet of the Applicants parcel or at least 10 property owners, the township and any city within 2 miles.

The week before LUM Staff will provide the Commissioners of the Board of Adjustment and the Applicant with the packet that will contain:

- Your application,
- Pertinent supporting materials from the Applicant,
- The staff report with findings and a recommendation, and
- Any additional supporting materials staff considers important to the zoning case.

The Applicant will receive the agenda and the Applicant's packet.

APPLICATION SUBMITTAL CHECKLIST	
Application completed	<input type="checkbox"/>
Signature of the owner, agent or letter of authorization	<input type="checkbox"/>
Goodhue County Zoning Ordinance citation	<input type="checkbox"/>
Findings of fact	<input type="checkbox"/>
Statement that the current property taxes have been paid	<input type="checkbox"/>
Site Plan (please contact LUM staff)	<input type="checkbox"/>
Historic photographs and current photographs (if applicable)	<input type="checkbox"/>
Township signature of acknowledgment	<input type="checkbox"/>
Other (septic compliance, necessary state and federal permits)	<input type="checkbox"/>
Any additional items required by the Zoning Administrator	<input type="checkbox"/>

Please follow this checklist to complete your application. Applications may be rejected within 10 days of receipt. LUM staff will work with applicants to complete the application.

APPLICATION FOR
Variance

For Staff Use only

VARIANCE NUMBER:

\$350 RECEIPT#

DATE

SITE ADDRESS, City, and State				ZIP CODE:
LEGAL DESCRIPTION:				
Attached <input type="checkbox"/>				
PID#:	ZONING DISTRICT	LOT AREA(SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME	
APPLICANT'S ADDRESS:	TELEPHONE:
	()
	EMAIL:

PROPERTY OWNER'S NAME::	
Same as Above <input type="checkbox"/>	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
	()
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/>	
ADDRESS:	TELEPHONE:
	()
	EMAIL:

(Please check all that apply) ADDITIONS TO BUILDING: <input type="checkbox"/> New Building on vacant land <input type="checkbox"/> Rear <input type="checkbox"/> New Addition to existing building <input type="checkbox"/> Front <input type="checkbox"/> Animal Building <input type="checkbox"/> Side <input type="checkbox"/> Storage building <input type="checkbox"/> Other Please clarify	CURRENT OR PREVIOUS USE:	
	PROPOSED USE:	
	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:

TOWNSHIP Signature:		
By signing this form, the Township acknowledges they have been made aware of the Applicant's request. In no way does signing this application indicate the Township's position on the variance request.		
Attached <input type="checkbox"/>		
TOWNSHIP OFFICAL'S SIGNATURE	TOWNSHIP OFFICAL'S PRINTED NAME AND TITLE	DATE

By signing you acknowledge:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
4. Other information or applications may be required.

Applicants Signature: _____ Date: _____

Print name: _____ owner or authorized agent

Project Summary

Please cite the Ordinance and Section(s) you are requesting a variance from: _____

Please state the purpose of the variance and requested outcome: _____

Variance Findings (Attach a separate sheet if more space is needed)

Pursuant to Goodhue County Zoning Ordinance Article 5, before approving a variance application, the Board of Adjustment needs to find that the facts presented are such to establish the findings stated below. In the space below or on a separate paper. Please state how the project is consistent with each policy. Each statement should refer to specific conditions applicable to the property. If a given policy does not apply to your project, explain why it does not.

The Board of Adjustment may grant a variance only if the variance request complies with each and every one of these findings in full. Completing the variance application is the Applicant's responsibility. If the description of how the project meets all of the criteria are not fully supported with written information and supporting documents, the Board may find the information insufficient and the criteria are not justified.

The variance request is in harmony with the general purpose and intent of the official provisions.

The variance request is consistent with the Goodhue County 2016 Comprehensive Plan.

There are practical difficulties in complying with the official controls. Practical difficulties means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.

The plight of the land owner is due to circumstances unique to the property not created by the land owner.

The variance, if granted, will not alter the essential character of the locality.

No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. Will approval of the variance request change the use to something that is prohibited in the district?

The Board of Adjustment may impose conditions that are directly related to and must bear a rough proportionality to the impact created by the variance.