



Land Use Management
509 W 5th Street Suite 103
Red Wing, MN 55066

Variance

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

****Applicants are highly encouraged to discuss their proposed application with Land Use Management Department staff prior to submission. Please call (651) 385-3104 for assistance****

WHAT IS A VARIANCE?

A variance is a request to allow the use of property in manner otherwise prohibited by ordinance by varying one or more requirements such as the size, design, and siting of buildings and lots. Variances are meant to be an infrequent remedy for situations where the unique physical characteristics of a property impose a substantial burden to reasonable use under the plain and literal interpretation of the ordinances.

FINDINGS FOR VARIANCES:

In reviewing all variance requests, the Board of Adjustment shall specify "Findings of Fact" in each case which evaluates the request for conformance with the variance standards. In conformance with Minnesota State Statute § 394.27 the Board of Adjustment may only grant variances when it finds the request meet the following criteria:

- Harmony with the general purposes and intent of the official controls
- Consistent with the comprehensive plan,
- The applicant has established "practical difficulties" exist in complying with the official controls. "Practical difficulties," as it pertains to variances, means the applicant proposes to use the property in a reasonable manner not permitted by an official control, 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. Economic considerations alone do not constitute "practical difficulties."
- The variance would not allow any use that is not allowed in the applicable zoning district

In order to grant a variance, a majority of the Board of Adjustment must find that all of the above criteria have been satisfied. In granting a request, the Board may impose conditions directly related to and bearing a rough proportionality with the potential impacts created by the variance approval.

APPLICATION:

The following items must be received by the Land Use Management Department for a variance application to be considered complete:

- Completed variance application form & supporting documentation
- Signature of property owner, agent, or letter of authorization
- Township signature of acknowledgment
- Site plan
- Property survey by a MN Licensed Surveyor (unless waived by Zoning Administrator)
- Proof of current property taxes
- Additional items as required by the Zoning Administrator
- Required Fees (\$350.00)

REVIEW PROCESS:

Upon receipt of a complete application, staff will schedule a Board of Adjustment hearing to consider the variance request. Notice of the public hearing will be provided to the official County paper, affected state agencies, all property owners within 500 feet of the Applicant's parcel (minimum of 10), the local Township, and all municipalities within 2 miles. Board of Adjustment meetings are typically held the 4th Monday of every month.

APPEAL RIGHTS:

In accordance with Goodhue County Zoning Ordinance Article 5, an aggrieved person may appeal a Board of Adjustment decision with the Goodhue County District Court within thirty (30) days.

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: |
| | |

| | |
|---|---|
| VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations | CURRENT OR PREVIOUS USE: |
| | PROPOSED USE: |
| | BUILDING APPLICATION PERMIT NO.: (if filed) |
| | DATE FILED: |

| | | |
|--|---|------|
| TOWNSHIP SIGNATURE: | | |
| By signing this form, the Township acknowledges they are aware of the Applicant's variance 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 below, the applicant acknowledges:

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 hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
4. Additional information or applications may be required

Applicant's Signature: _____ Date: _____

Print name: _____ (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: _____

Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review.

Discuss your current use of the property and the reason for your variance request:

Describe the effects on the property if the variance is not granted:

Describe any unique physical limitations that exist on your property, not generally found on others, which prevent you from complying with the provisions of the current ordinance:

Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:

Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:
