

# 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. Approval of a variance must meet the hardship test. A hardship 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 Zoning Request Application and select the "Variance" Application. Describe in detail the request for a variance.

**Step 2 Pay application fee.** The application fee is due prior to the application being heard by the Board. The residential property owner fee is \$00 and the business/industrial fee is \$00.

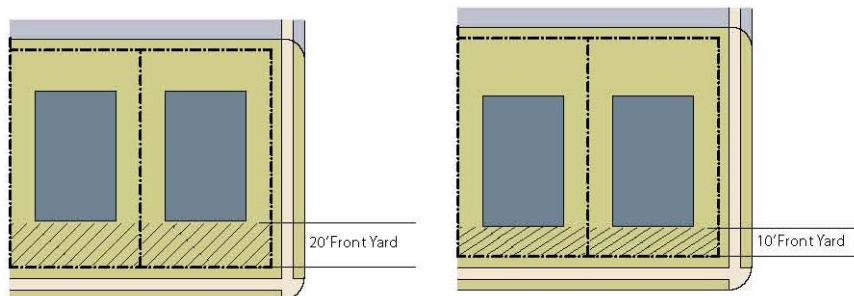
**Step 3 Provide scaled site plan.** Provide a site plan (draw to scale) of the request. The site plan will be reviewed by the City's planning consultant and will advise the applicant of any issues prior to the public meeting.

**Step 4 Write Narrative.** This narrative should fully explain the "hardship" 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 Codes, 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. Once the Board makes a recommendation on a planning application, the public hearing is closed. At that time, the City Council will take formal action on the planning application.



Example: In the R-1 District, request for a variance to reduce front yard setback from 20 feet to 10 feet.