



EFFECTIVE IMMEDIATELY (July 1, 2010)
 If you seeking a variance, please contact the
 planning division at (952) 939-8290 before
 proceeding with the submittal of this
 application.

Variance

| PROPERTY INFORMATION | |
|-----------------------|--|
| Property Address | |
| Parcel ID Number | |
| OWNER INFORMATION | |
| Owner Name | |
| Owner Address | |
| Owner Phone | |
| Owner Email | |
| APPLICANT INFORMATION | |
| Applicant Name | |
| Applicant Address | |
| Applicant Phone | |
| Applicant Email | |

| VARIANCE REQUEST | | | | | |
|---------------------|------|----|--------------------|------|----|
| | FROM | TO | | FROM | TO |
| Front Yard Setback | Ft | Ft | Floodplain Setback | Ft | Ft |
| Rear Yard Setback | Ft | Ft | Wetland Setback | Ft | Ft |
| Side Yard Setback | Ft | Ft | Shoreland Setback | Ft | Ft |
| Aggregate Side Yard | Ft | Ft | Other | Ft | Ft |

OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the city by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other city approvals that have been granted to me for any matter. (If the owner is a corporation or partnership, a resolution authorizing this action on behalf of the board or partnership must be attached.)

Signature

Date

APPLICANT'S STATEMENT

This application should be processed in my name, and I am the party whom the city should contact about this application. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.

Signature

Date

SUBMITTAL REQUIREMENTS

City code outlines various items which must be submitted and considered as part of variance applications. The following items must be submitted for a variance application to be considered complete. **All plans and written information submitted are public information that may be used in written reports and distributed to the public.**

| | |
|--------------------------------|---|
| Application Fee | \$400.00 for Single or Double Dwelling Units \$800.00 for All Other Proposals |
| Legal Description | A full legal description, as documented on property deed or certificate of title must be submitted. |
| Registered Survey | A Certificate of Survey prepared by a Registered Land Surveyor must be submitted. The survey must include: lot dimensions, all platted and recorded easements, natural features (lakes, creeks, floodplain, or wetlands), all existing structures with dimensions to show size and location, structure setbacks from all property lines, existing driveways and utility lines, existing two-foot contours, grade elevations at lot and building corners, and lowest floor elevation. |
| Architectural Site Plan | <p>If a proposed structure or addition to an existing structure is not indicated on the required, submitted survey, a site plan must also be submitted. The plan must be drawn with a straight edge and to a standard engineering scale. The site plan must include the following information:</p> <ul style="list-style-type: none"> • north arrow • streets labeled • all lot lines with dimensions • driveway location • all known easements • natural features (lakes, creeks, floodplain, or wetlands) • existing structures, with setbacks from all property lines • proposed additions, with setbacks from property lines • all trees in the area of the addition, both existing and to be removed <p>Setbacks must be measured perpendicular from the property line to the closest point of the structure.</p> <p>If a variance is approved, a revised Certificate of Survey prepared by a Registered Land Surveyor must be submitted with the building permit application. This survey must include the approved structure or addition to an existing structure approved by variance.</p> |
| Drainage/Grading Plan | <p>A grading and drainage plan must be submitted and must include:</p> <ul style="list-style-type: none"> • existing and proposed two-foot contours • location and size of proposed pipes and stormwater treatment areas • associated engineering calculations |
| Building Rendering | Building renderings must be submitted and must depict all elevations of the proposed addition and specify building materials. |
| Floor Plan | A floor plan must be submitted illustrating existing and proposed floor plan and must be to scale. |
| Written Statement | A written statement describing the variance, the intended use of the proposed structure, and how the request would meet the variance standard as outlined in city code must be submitted. |
| Other Items As Required | City staff may require that additional items be submitted for full review of a variance application. |

Required Plans:

- 3 hardcopy plan sets
- Electronic plan set

PROCESS

- At its discretion, the city may require an outside consultant review the proposed application and provide written comment. Such consultants may include: a traffic engineer, telecommunications engineer, water resources engineer, landscape architect, forester, or appraiser. If the city requires such review and comment, the applicant must provide cash escrow to the city to cover the cost of the review. City staff will notify applicants that such review is required prior to hiring the consultant(s).
- A property owner or their representative completes a variance application and submits this application with all required documents to the Planning Division.
- The city sends notification to all property owners within at least 400 feet of the property for which the variance is being requested. These property owners are encouraged to comment on the requested Variance through the *MyMinnetonka* function on the city's website *eminnetonka.com*. These owners are further invited to attend a Planning Commission public hearing which is held to consider the request.
- City staff reviews the submitted application and documents and prepare a written report recommending either approval or denial of the variance request. The written report, which includes all "Neighborhood Feedback" responses, is forwarded to the applicant or their representative and the Planning Commission.
- The Planning Commission holds a public hearing on the Variance request. During the public hearing: (1) staff makes its recommendation; (2) the applicant or their representative have an opportunity to address the commission; (3) area residents are given an opportunity to ask questions and speak for or against the request. Following the public hearing the Planning Commission discusses the request and votes to approve, deny, or table the request.
- Any person aggrieved by a Planning Commission decision may appeal that decision to the City Council. Appeals must be made in writing to the Planning Division and within 10 days of the Planning Commission's decision.
- By state law, a final decision on a variance request must be made within 120-days of submittal of a complete application. An applicant may waive this 120-day time limit.

APPROVAL

A variance may be granted from the literal provisions of the ordinance when strict enforcement of the ordinance would cause undue hardship. By definition, undue hardship exists when a property cannot be put to reasonable use if used under the conditions allowed by city code. (City Code 300.07.1) All variance requests are analyzed against three tests:

- 1) *Are there practical difficulties that prevent a reasonable use from complying with ordinance requirements?*
- 2) *Are there circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?*
- 3) *Would the variance alter the essential character of the neighborhood?*

If a variance is approved, it is generally approved subject to a several conditions; many of these conditions must be satisfied before a building permit will be issued.