

Variance application

Requirements and process overview

Only certain items qualify for consideration of a variance under state statutes and the city ordinance. The St. Louis Park Board of Zoning Appeals (BOZA) may grant variances from the strict application of the provisions of the zoning ordinance provided that the shape or topography of the lot creates an undue hardship in developing it and that there are practical difficulties in complying with the ordinance.

An undue hardship means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls. Economic considerations alone do not constitute practical difficulties.

The variance must not negatively impact the health, safety and welfare of the community. It must remain in harmony with the general purpose of the zoning ordinance and must remain consistent with the comprehensive plan.

More detailed points of consideration are spelled out on the variance application form.

Before submitting

Before filing a variance application, the petitioner should meet with the assistant zoning administrator to discuss the proposed petition and become familiar with the requirements of the application.

Submittal checklist

- Application form
- Filing fee (see application for fee schedule)
- A written explanation as to how the proposed variance request complies with the criteria listed for granting a variance (see application form)
- A survey of the property showing all property lines, existing and proposed structures, and easements
- A dimensioned plan showing the floor plan and elevations for all existing and proposed structures
- A map or plat showing the lands proposed for the variance and all lands within 350 feet of the boundaries of the property.
- A complete and accurate legal property description. If the property is Torrens, a copy of the most current certificate of title must accompany the application. If the property is not Torrens, a copy of the most recent document which transferred title (e.g., a Warranty Deed) must accompany the application.
- Two sets of names and address labels of all property owners within 350 feet of the boundaries of the parcel requested to be changed. The source of the names and addresses must be from Hennepin County. Visit <https://gis.hennepin.us/locatenotify/default.aspx> to create the mailing label package, including a map showing the notice area.

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- Electronic copy (CD or flash drive) of all exhibits
- Any supplementary information deemed necessary by city staff

An application is not complete until all of the above items have been received and found to be in order by the assistant zoning administrator.

After approval

A building permit will not be issued until the variance has been approved and the 10-day appeal period has expired.

Office use only

Planning staff: _____

Filing date: _____

Case number: _____

Variance application

Fee schedule

Single-family dwelling:	_____	\$300
All others:	_____	\$550
Recording fee:		
Single-family residence:	_____	\$50
Other uses:	_____	\$120
TOTAL:	_____	\$

Applicant/contact

Name: _____

Street address: _____

City: _____ State: _____ ZIP code: _____

Phone: _____ Cell: _____ Email: _____

Current fee owner

Name: _____

Street address: _____

City: _____ State: _____ ZIP code: _____

Phone: _____ Cell: _____ Email: _____

Street address of property involved

Street address: _____

City: _____ State: _____ ZIP code: _____

Current zoning district

R-1 R-2 R-3 R-4 M-X POS
 C-1 C-2 O BP I-P I-G

Current use: _____ Proposed use: _____

Variance from the following section(s) of the zoning ordinance:

Requirements of the above mentioned section(s):

The ordinance requires that the conditions below must be satisfied in order for the variance to be granted. On a separate page, explain in detail how your case conforms to each of these requirements. Please be specific when addressing these items; the board must establish findings which support the application as it relates to each of the following:

1. The effect of the proposed variance upon the health, safety and welfare of the community.
2. The request is in harmony with the general purposes and intent of the zoning ordinance.
3. The request is consistent with the comprehensive plan.
4. The applicant establishes that there are practical difficulties in complying with the zoning ordinance. This means that:
 - a. The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items.
 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
 - c. The variance, if granted, will not alter the essential character of the locality.
 - d. Economic considerations alone do not constitute practical difficulties.
 - e. Practical difficulties include inadequate access to direct sunlight for solar energy systems.
5. There are circumstances unique to the shape, topography, water conditions or other physical conditions of the property.
6. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right.
7. The granting of the variance will not impair light and air to the surrounding properties, unreasonably increase congestion, increase the danger of fire, or endanger public safety.
8. The granting of the variance will not merely serve as a convenience but is necessary to alleviate a practical difficulty.

Acknowledgement and signature

The undersigned hereby represents upon all of the penalties of law, for the purpose of including the City of St. Louis Park to take the action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the ordinance of the City of St. Louis Park and the laws of the State of Minnesota.

Applicant

Current fee owner

Print name

Print name

Signature

Signature (if different from applicant) or attach letter from current fee owner

**APPLICATION DUE DATES
FOR CONSIDERATION AT
BOARD OF ZONING APPEALS MEETINGS**

Applications are reviewed by the BOZA on the first and third Wednesday of the month. In order to be eligible for consideration, a **completed** application must be received by the Community Development Department on the following dates:

<u>Date received by Community Development:</u>	<u>Board of Zoning Appeals Meeting of:</u>
November 5, 2018	December 5, 2018
November 19, 2018	December 19, 2018
December 3, 2018	January 2, 2019
December 17, 2018	January 16, 2019
January 7, 2019	February 6, 2019
January 22, 2019	February 20, 2019
February 4, 2019	March 13, 2019*
February 19, 2019	March 20, 2019
March 4, 2019	April 3, 2019
March 18, 2019	April 17, 2019
April 1, 2019	May 1, 2019
April 15, 2019	May 15, 2019
May 6, 2019	June 5, 2019
May 20, 2019	June 19, 2019
June 3, 2019	July 3, 2019
June 17, 2019	July 17, 2019
July 1, 2019	August 7, 2019
July 15, 2019	August 21, 2019
August 5, 2019	September 4, 2019
August 19, 2019	September 18, 2019
September 3, 2019	October 2, 2019
September 16, 2019	October 16, 2019
October 7, 2019	November 6, 2019
October 21, 2019	November 20, 2019
November 4, 2019	December 4, 2019
November 18, 2019	December 18, 2019
December 2, 2019	January 8, 2020*
December 16, 2020	January 15, 2020

An application is not considered complete and **will not be accepted** until all requirements are satisfied. Requirements are included with application.

* If the first or third Wednesday of the month is a holiday, the BOZA meeting will be held the following Wednesday.