

INSTRUCTION FOR APPLICANTS REQUESTING A VARIANCE

PURPOSE

The purpose of granting a “Variance” is to provide relief from the strict application of the provisions of the zoning code in **cases where such strict application would cause undue hardship**. Variances are intended to allow some relaxation in the application of the performance standards controlling such items as lot area, building location, height, and setback. They are not intended to either establish or enlarge a use which is not already permitted within the zoning district.

CRITERIA

In order to grant a variance, the city shall consider the evidence presented to it by the applicant and must determine that the request does not violate the following criteria:

- a. The granting of the variance will not be detrimental to the public health, safety, or welfare;
- b. the conditions upon which the variance is based are unique to the property for which it is sought and are not generally applicable;
- c. the conditions which create the need for the variance are due to the particular shape, topography, or other natural characteristics of the land and are not due to actions taken by the applicant;
- d. the variance will not in any way adversely affect the purpose and the intent of the city's comprehensive guide plan or zoning code.

Additional standards are listed in Section 113-62 of the city's zoning code.

PROCEDURE

Applicant Responsibility

1. The applicant should become familiar with the provisions set forth in Section 113-62 in the zoning code of the City of Falcon Heights.
2. The applicant will meet with the city staff to discuss his/her request. For this meeting, the applicant must prepare a site sketch plan showing the proposed change and including all relevant dimensions. Staff will work with property owners to avoid having variance requests submitted that do not meet the required criteria for granting a variance.
3. If no solution is found or if the property owner feels that a variance is the only amenable solution to him/her, then the owner/applicant must obtain the following information from staff:
 - a. An application form entitled “City of Falcon Heights Planning Application”.
 - b. Instruction sheet entitled “Procedure for Obtaining a Variance”.
4. The applicant submits one signed copy of the application to the city at least 21 calendar days prior to the date of the planning commission meeting at which time the applicant wishes his/her request considered. The application shall be accompanied by a non-refundable fee of \$100.00 per variance and the following supportive documents:

- a. A location map of appropriate scale to show the site and surrounding vicinity and clearly indicate nearby street patterns, property lines, zoning boundaries, and other significant features that will have an impact on the variance being requested.
 - b. A sketch plan showing all pertinent dimensions having an influence upon the variance request.
 - c. A brief statement describing why the variance is being requested.
 - d. The names and addresses of the owners of all abutting properties and any other properties impacted by the applicant's request. These property owners will be notified of the applicant's request for a variance, and the date and time of the planning commission meeting at which the applicants request will be considered. (Available in Ramsey County Courthouse, Room 138, Taxation). The City may waive this requirement if the information is readily available through City data resources.
 - e. If topography or extreme grade is the basis on which the request is made, a topographic map showing all existing and proposed contours, at intervals of no greater than two feet, shall be submitted.
 - f. If the application involves such alteration to the site as to require the review of a certified engineer, the review must be made prior to the submission and the engineer's comments or recommendations must be included with the application. An example of such an alteration would be the relocation of an access drive which may result in either traffic movement conflicts, or may require the city to move a utility line or catch basin.
5. The Applicant should plan to attend to attend the public hearing on the variance and should remain in communication with staff to monitor the status of the application.
 6. If the variance is approved, a building permit must be obtained from the City before work may begin. Work must commence within one year after the variance is approved or the variance becomes void.

City Procedure

1. Staff will review the application and determine whether it is valid and complete, including confirmation of the applicant's standing to submit a zoning application on the property.
2. If the application is valid and complete and the fees are paid, the application will be accepted and the public hearing before the Planning Commission will be scheduled such that final action by the Council can be completed within 60 days of the application's acceptance. If more time is required, the City may take 120 days, provided notice is given to the applicant.
3. Legal notice of the variance hearing will be posted at City Hall and in the City's official newspaper. Notice will also be mailed to all owners of property within 350 feet.
4. After the public hearing the Planning Commission makes a recommendation for approval or denial to the City Council, which votes final approval or denial. Council action generally takes place within 30 days of the Planning Commission recommendation.