



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

| | |
|---------------------|---|
| Meeting Date | January 26, 2010 |
| Agenda Item | Workshop 1 |
| Title | Review of Variance Procedures (Workshop) |
| Submitted By | Deb Jones, Staff Liaison |

| | |
|----------------------------|---|
| Description | Orientation for new commissioners and review for continuing commissioners on Commission actions that require a public hearing, especially variances. |
| Background | <p>The Planning Commission provides formal recommendations to the City Council on certain zoning matters and cases, including amendments to the zoning code, zoning changes, amendments to the Comprehensive Plan and variances.</p> <p>The procedures for all of these actions follow a similar pattern: (1) published notice of a public hearing, (2) public hearing before the Planning Commission, (3) Planning Commission vote on a recommendation, (4) City Council action.</p> |
| Budget Impact | None |
| Attachment(s) | <ul style="list-style-type: none"> • City of Falcon Heights Procedure for Obtaining a Variance • Instructions for Applicants Requesting a Variance • Copy of the zoning application form |
| Action(s) Requested | <p>None.</p> <p>Staff will conduct a brief review/training for commissioners on variance procedures. It is recommended that commissioners keep the attached documents for future reference.</p> |



CITY OF FALCON HEIGHTS PROCEDURE FOR OBTAINING A VARIANCE

1. Property owner inquires about a construction project.
2. Staff provides information on the setbacks and other relevant information from the zoning code.
3. Property owner prepares a site plan with the proposed improvements.
4. Building Official and Planner review the site plan and help the property owner avoid a variance request if there is a reasonable solution without the request. Staff will work with property owners to avoid having variance requests submitted that do not meet the required criteria for granting a variance.
5. If no solution is found, or if the property owner feels that a variance is the only amenable solution to him/her, the property owner submits a written request for a variance, completes the variance application form, submits a site plan and other requested information, and pays a non-refundable \$100.00 application fee.
6. If more than one variance is sought for a project, all may be included in the same request but \$100.00 is due for **each** additional variance being requested.
7. Applications must be complete and paid at least 21 calendar days before the scheduled meeting of the Planning Commission in order for the variance hearing to be placed on the agenda and to allow for the required notifications and publication.
8. A public hearing before the Planning Commission is scheduled, and a legal notice of the hearing is posted and sent to the City's official newspaper.
9. Abutting property owners are notified by the city in writing of the variance request and public hearing, and comments are requested prior to or at the planning commission meeting.
10. The planning commission holds the public hearing, reviews the request and recommends approval or denial using staff information, and the criteria for approving a variance.
11. Under most cases, it is important for the applicant to be present at the planning commission meeting.
12. The city council approves or denies the variance request, considering the staff information, the criteria for approving a variance, and the planning commission's recommendation.
13. If the variance is approved, the applicant or his/her contractor must apply for a building permit and work must commence within one year of the date on which the variance was approved. Otherwise, the variance becomes void.

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.



City of Falcon Heights Planning Application

Action Requested By:

Name of Property Owner _____

Phone (h) _____ (w) _____

Address of Property Owner _____

Name of Applicant (if different) _____

Address _____ Phone _____

Property Involved:

Address _____

Legal Description _____

Property Identification Number (PIN) _____

Present Use of Property (check one):

- | | |
|---|---|
| <input type="checkbox"/> Single Family Dwelling | <input type="checkbox"/> Business/Commercial |
| <input type="checkbox"/> Duplex/Two Family Dwelling | <input type="checkbox"/> Government/Institutional |
| <input type="checkbox"/> Multi Family Complex | <input type="checkbox"/> Vacant Land |

Action Requested (NON-REFUNDABLE):

- | | |
|--|--|
| <input type="checkbox"/> Variance (\$150.00) | <input type="checkbox"/> Lot Split (\$250.00) |
| <input type="checkbox"/> Conditional Use Permit (\$165.00) | <input type="checkbox"/> Site Plan Review (\$100.00) |
| <input type="checkbox"/> Rezoning (\$500.00) | <input type="checkbox"/> Other (Please Specify) |

Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):

*I certify that all statements on this application are true and correct:*_____
Signature of Property Owner (required)_____
Signature of Applicant (if applicable)