



D E P A R T M E N T O F

# Community Development

PLANNING DIVISION

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## How to Request a Zoning or Sign Ordinance Variance

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A Zoning/Sign Ordinance Variance is required to provide relief to a property owner when the strict enforcement of the zoning regulations for lot size, setback, parking requirements, etc., imposes an undue hardship on the petitioner or denies the petitioner the reasonable use of the land.

Hardship to the petitioner is the crucial test. Variance(s) will be granted only to provide relief in unusual situations, which were not intended or foreseen when the Zoning Ordinance was adopted. Economic loss is seldom a unique situation and is not considered a valid hardship.

**The first step** in applying for a Zoning/Sign Ordinance Variance is to contact the Department of Planning and Development. The Planning Staff will show you the conditions you must meet in order to be granted a variance for your parcel of land. If you choose to pursue a Zoning/Sign Ordinance Variance, a pre-application meeting should be arranged with the Planning Staff.

**Pre-Application Meeting**: This meeting should be scheduled with the Planning Staff prior to the application submittal.

The purpose of this meeting is to be advised how the City's policies and ordinances work and to advise you on the City's process. Based on this meeting, a decision can be made whether to submit a formal Zoning/Sign Ordinance Variance application. The Planning Staff will also try to advise of other potential governmental jurisdiction involvements. The following items must be brought to the pre-application meeting:

1. The address or location of the property.
2. A site plan or certificate of survey of the property.
3. Any preliminary plans developed for the property.

To avoid any potential delay in processing plans or applications, it is advisable to submit the application several days prior to the official deadline. No application will be scheduled for a Planning Commission Public Hearing until all required information is submitted.

## **FINDINGS (Zoning):**

In considering all requests and in taking subsequent action, the Planning Commission and City Council will attempt to make findings showing that all of the following conditions exist (City Code Section 152.034(B)):

- (a) There are circumstances unique to the property that was not created by the landowner. Unique conditions may include the physical topography, vegetation, or water conditions that may exist on the property.
- (b) The property, if the variance is granted, will not be out of character with other properties in the same neighborhood.
- (c) Inadequate access to direct sunlight for solar energy systems.
- (d) The applicant has exhausted all reasonable possibilities for using his/her property or combining a substandard lot due to size, shape or lot line dimensions, with an adjacent vacant lot.

The burden of providing substantiating evidence rests with the petitioner. The petitioner shall submit a letter of request to the Planning Commission addressing the variance conditions above finding reasons for allowing the variance(s).

The Planning Commission will make a recommendation to the City Council, possibly with conditions placed on the variance, that are necessary for the preservation of the health, safety or general welfare of the community.

## **FINDINGS (Sign):**

In considering all requests and in taking subsequent action, the Planning Commission and City Council will attempt to make findings showing that all of the following conditions exist (City Code Section 150.08(B)):

- (a) There are special conditions or circumstances affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the applicant's land.
- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (c) The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the area in which the property is situated and will not have an adverse effect upon traffic or traffic safety.

In making an application for a variance, the petitioner must state in writing why the petitioner believes the above conditions exist. Upon granting a variance, the Council may attach those conditions it deems desirable or necessary to protect the public interest.

## **APPLICATION INSTRUCTIONS:**



**Application Fee:** Check payable to the "City of Brooklyn Park." The non-refundable application fee for a Zoning Variance is **\$100.00**.



**Signed Application:** Include authorization from the property owner on the application form or by attached letter of authorization if an agent signs the application.

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**Letter of Request:** A letter attached to the application, stating the reasons for allowing the variance(s).



**A Site Plan or Certificate of Survey:** Four (4) sets of full size prints and fifteen (15) sets of 11" x 17" or smaller reductions, **ALL FOLDED** to 8½" x 11", drawn to scale and dimensioned, illustrating lot size, setback, parking requirements, etc.

(Note: If the property has an existing accurate survey of record, then a site plan illustrating the request is acceptable. However, if the property does not have a current survey of record, then the petitioner shall submit a Certificate of Survey of the property.) Additional drawing submittals may be required for the Planning Commission and/or City Council meetings.

All drawings shall include the following:

1. Standard engineering scales are required. A graphic scale shall be provided on all plans.
2. Date of preparation, revision dates, if any.
3. Name, address, telephone number of developer(s), owner(s), and/or petitioner(s), subdivider, surveyor, and/or designer.
4. Legal description and property identification number(s).
5. Boundaries of property to be fully dimensioned (scaled or calculated).
6. Location, alignments, widths and names of all existing or platted streets, railroads, drainage, access, utility rights-of-way and/or easements of public record.
7. Location of all man-made objects within the survey area.
8. All dimensions and setbacks related to the variance request must be properly illustrated.

**PROPERTY OWNER'S LIST:** A list of adjacent property owners of the subject property will be created by the City of Brooklyn Park as required by State Statutes. A fee of \$1.00 per name will be charged against the escrow account that is established by the applicant. If the subject property is adjacent to the city limits, a list of property owners in the adjacent city should be obtained by calling the Hennepin County Auditor, Property Description Office, 6th Floor Administration Tower, Hennepin County Government Center (612-348-3271).

**Note:** No application will be accepted unless all the required materials and information are complete and accurate. An application for specific hearing date(s) must be received no later than 5:00 PM of the corresponding application deadline date. There will be no exceptions to this policy. The applicant or a designated representative is required to attend the Planning Commission and City Council meetings.

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