

A variance to the Zoning Code is required to provide relief to a property owner when the strict enforcement of the zoning regulations for lot size, setbacks, parking requirements, etc., imposes practical difficulty on or denies the property owner the reasonable development of the land. Use variances are not permitted by state law. Financial considerations are not justified for variances. In some instances, a variance is one component of the development process and other applications may be necessary. The following is an overview of the typical 60-day application process.

### Pre-Application Meeting

It is recommended that you meet with a planner to discuss your intentions prior to making application. This meeting will introduce you to the City staff members who will be working with you. We will discuss the City's zoning rules, policies, and plans that could affect your application as well as what to expect during the review process. For this meeting, please identify the location of the property and any preliminary plans you have. After the pre-application meeting, you have the ability to develop your plans further for the formal application. Ideas for modifying your plans to conform to City Code may be discussed.

### The Application

The application is due on the first business day of the month. This places you in the queue for the following month's Planning Commission public hearing. The application consists of the application form, a letter of request, the application fee, and the plans that you would like the Planning Commission to review.

### Application Form

The application form must be signed by the applicant and the property owner(s). The owners may sign a consent letter and attach it to the application. Failure to sign the application will result in an incomplete application.

### Letter of Request

A brief letter explaining the proposed development and justifications for the variance is required. The variance request is yours to present. It is best that you structure your letter to address the five different practical difficulty types identified in City Code:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
3. Granting of the variance will not alter the essential character of the area or neighborhood where the property is located.
4. Economic considerations alone do not constitute practical difficulties.
5. There is inadequate access to direct sunlight for a solar energy system.

### Application Fee

A non-refundable fee of \$100 is required. Additionally, a \$100 review escrow is required with the application. The escrow account that you establish with the City will help cover the costs of the public hearing notices, and staff time to review the application and write reports. Additional escrow will be required when the escrow account is low and remaining escrow is refundable when the project is finished.

### Plans

Plans must be submitted in paper format and, if possible, in pdf electronic format. Two sets of plans are required with your initial application. Additional copies may be requested after revisions are made. The plans must be at a standard engineering scale and contain any information necessary to show how your request is deviating from the requirements set forth in the Zoning Code.

Following City Council approval more detailed plans may be required if applicable for a building permit.

### Receipt of Application

After receiving your application, City staff will review your plans for completeness. In some cases, staff will recommend that changes be made in order to conform better to the City's Zoning Code or to be more compatible with neighboring

properties. Additional information may be requested. Adequate time will be given to make revisions prior to the Planning Commission meeting.

If the application is determined to be incomplete, it will be returned to you with a letter stating why the application was deemed incomplete and the things that are missing. You are welcome to reapply at the next submittal date with your complete application.

#### Public Notice

The City is required to notify surrounding property owners of any pending variance and information regarding the public hearing. Mailed notices will be sent to all property owners, residents, and businesses within 100 feet of the property line of your site. We also place an ad in the legal section of our official newspaper, The Brooklyn Park Sun Post. A sign may be placed on your property notifying people as well. Make sure that this sign is clearly visible and not moved without consent of the Planning Staff. Your escrow will be charged for the notification costs.

#### Public Hearing

The Planning Commission holds the public hearing and solicits comments from interested parties before making a recommendation to the City Council on your variance request. The Planning Commission meets the second Wednesday of the month following your application. You are welcome to invite people to speak on your behalf. People can also submit letters or emails with their comments. All people speaking or submitting written comments are expected to give their names and addresses. The Planning Commission may ask questions or make suggestions for changes; therefore you must be in attendance or have a knowledgeable authorized representative in your place. If you cannot attend, it is recommended that you extend your application to a future meeting.

#### City Council

The City Council approves or denies your application. They take into consideration the Planning Commission's recommendation and any comments received at the public hearing. The City Council is obligated to take action on your variance request within 60 days of your application unless an extension is made per state law.

You are responsible for recording the resolution of approval with the Hennepin County Recorder's office before you begin construction. Recording the approval resolution will assist you when you chose to sell your property or for reconstruction in the event of damage or destruction.