

VARIANCE APPLICATION & REVIEW PROCESS

Overview: Variance applications will be reviewed by City staff and discussed in a public hearing by the Variance Board, which meets on the first Wednesday of each month, as necessary. Minnesota State Law requires that a decision be issued for each application within 60 days of the application submission date. Sixty-day extensions may be obtained if more time is needed to resolve outstanding issues.

Application Deadline: Applications must be received by the close-of-business on the **first Friday of each month**; applications received after this date cannot be heard at the Variance Board meeting of the following month. The variance process takes about 6 weeks from the application deadline.

Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.

Purpose: The variance is intended to allow relief from practical difficulties that may arise from the strict application of zoning regulations on properties where unique circumstances (e.g., parcel size and shape, topography, vegetation, wetlands, obsolete structures, etc.) are present which may prevent the property from being used to the extent intended by the zoning regulations.

Approval: In order to approve a variance request, the Variance Board must find that: 1) the proposal is consistent with the Comprehensive Plan; 2) the proposal is in harmony with the purposes and intent of the zoning ordinances; 3) the proposal puts the subject property to use in a reasonable manner; 4) there are unique circumstances to the property which were not created by the landowner; and 5) the variance, if granted, will not alter the essential character of the locality.

Initial Review: Applications will be reviewed for completeness by Community Development Department staff, and a determination of completeness will be provided to the applicant in writing within about 10 days of the application submittal date. A response to an *incomplete* application will identify the materials that are needed in order to complete the application; once all of the outstanding application materials are received, the 60-day action timeline will restart. A response to a complete application will outline the schedule for the formal review and approval process described below.

Example

Applications are due on the first Friday of a month.

The public hearing will be held by the Variance Board on the first Wednesday of the following month.

The 10-day appeal period following the Variance Board's decision expires two Mondays later.

Timeline

MONTH A							application
Su	M	Tu	W	Th	F	Sa	
					●		

MONTH B							action
Su	M	Tu	W	Th	F	Sa	
			●				

Formal Review: Applications for variance approval will be discussed by the Development Review Committee (DRC); DRC members will address points of concern based on their respective City departments and professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Planning Commission.

Staff Report: Community Development staff will prepare a report summarizing the application, reviewing it against the City's Codes, Ordinances, and policies, and providing a recommendation for the Variance Board. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Variance Board meeting.

Notice of Public Hearing: Minnesota State Law requires notice of a public hearing to be published in a specified, legal newspaper a minimum of 10 days prior to a public hearing. City Ordinance further requires that notices be mailed to property owners within 500 feet of the affected property. All of these notices are prepared and sent by Community Development staff.

Variance Board Meeting: Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the Variance Board and/or members of the public. The public hearing will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, video, or other materials. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.

- At the Public Hearing: The Variance Board Chair will call the meeting to order, Board members and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Chairperson will introduce the application and City staff will review the issues and recommendations detailed in the staff report. Variance Board members may ask questions about the application to be answered by City staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chair will close the public hearing, and the Board Members will discuss the application and take action.
- Variance Board Action: The Variance Board has the authority to approve or deny an application and its decision is final. The Variance Board will provide the rationale for its decision and adopt a motion approving or denying the variance request. If the decision is not appealed within the time allowed, the variance becomes effective, and any necessary building permits may be issued; at this time the Variance Board resolution will be sent to Ramsey County to be recorded against the property.

Appeals: The decision of the Variance Board may be appealed by the applicant or by any other Roseville property owner *within 10 days of the decision*. Appeals are heard by the City Council which acts as the Board of Zoning Adjustments and Appeals. An appeal is a matter of public record, but it does not require a public hearing and no new information will be reviewed as part of the appeal; instead, the Board of Zoning Adjustments and Appeals will review the Variance Board's decision-making process to verify compliance with City Ordinances and State Statutes.

Validation: A variance approval must be validated by the applicant through the commencement of any necessary construction (subject to permit requirements) within 1 year of the date of the approval. A variance approval will automatically expire if the approval is not validated.

Please keep this sheet for your reference after you have submitted the attached application.



COMMUNITY DEVELOPMENT

2660 Civic Center Drive ❖ Roseville, MN 55113
Phone: (651) 792-7005 ❖ planning@cityofroseville.com

VARIANCE APPLICATION

CITY CODE SECTION 1009.04
www.cityofroseville.com

- RESIDENTIAL PROPERTY OWNER FEE: \$360
BUSINESS/INDUSTRIAL FEE: \$475

Fee should be made payable to City of Roseville upon submittal of completed application.

VARIANCE REQUIREMENTS

City Code Section 1009.04C states: "The City may impose conditions in the granting of variances. A condition must be directly related to, and must bear a rough proportionality to, the impact created by the variance. In order to approve a variance request, the Variance Board shall find that:

- 1. the proposal is consistent with the Comprehensive Plan;
2. the proposal is in harmony with the purposes and intent of the zoning ordinances;
3. the proposal puts the subject property to use in a reasonable manner;
4. there are unique circumstances to the property which were not created by the landowner; and
5. the variance, if granted, will not alter the essential character of the locality."

State Statute 462.357, subd. 6(2) states: "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. 'Practical difficulties,' ... means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. ... The [Variance Board] may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance."

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name:
Last name: First name:
Address: City/State/Zip:
Phone number: Email address:

2. Applicant Information: (if different from above)

Company name:
Last name: First name:
Address: City/State/Zip:
Phone number: Email address:

3. **Address(es) of Property Involved:** *(if different from above)*

4. **Zoning Designation:** _____

5. **Comprehensive Plan Designation:** _____

6. **Statement of Intent:** State exactly what is intended to be done on or with the property which does not conform to City Code requirements.

7. **Additional Required Information:**

a. **Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.

b. **Written Narrative:** This narrative should fully explain the “practical difficulty” that justifies the departure from the strict application of the Code. Neither mere inconvenience nor reduction in value is sufficient on its own to justify a variance, and the inability to put property to its highest and best use is not considered a practical difficulty. The problem that justifies the variance must be caused by conditions beyond the control of the applicant. The applicant cannot create the condition that requires the variance.

c. **Proposed Plans:** In addition to a scaled site plan, a landscape plan, grading and drainage plan, and exterior building elevation drawings showing building materials may also be required if deemed necessary by the Community Development Department. Such plans shall be on 8½"x 11" or 11"x 17" paper or in PDF digital format. In cases of multiple variances, the applicant may be required to submit a property boundary and building survey.

8. **Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: _____

Date: _____

Applicant: _____

Date: _____

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