

CITY OF WINTHROP

VARIANCE APPLICATION PROCEDURES

Application Fee: \$75.00 includes required legal advertisement, mailing to all property owners within 350 feet, and filing fee for the County Recorder. All fees are non-refundable.

The City Planning Commission may allow a departure from the terms of the zoning regulations pertaining to height or width of structures, the size of setbacks, the number of parking spaces, the size or location of signs where such departure would not be contrary to the public interest. A variance may be granted only in cases where the literal enforcement of the zoning code would deprive the land and/or building involved due to the physical conditions unique to the land or building involved and must not be applicable to other sites in the same zoning district. The physical conditions (size, shape, or topography of the property) shall not be conditions created by the applicant. **Minnesota Statutes** require that the above conditions, (1) Unique Circumstances of the Lot and, (2) Undue Hardship, be established before a variance can be granted.

PLEASE NOTE: Inconvenience of the landowner or occupant, self-created situations (including purchase of property), age and/or health problems are not deemed hardship under Minnesota case law.

Economic consideration alone shall not constitute an undue hardship if reasonable use of the property exists under the ordinance.

The statutory test is that the property owner cannot put the property to reasonable use under existing controls, the unique circumstances must exist and if the request is granted, the essential character (land-use) of the locality not changed.

If you have difficulty in determining the above hardship, consider alternatives to you construction plan. POSSIBLY YOU MAY NOT NEED THIS VARIANCE.

Procedures:

1. All application requests, including the required scale site plans, must generally be submitted to the City Zoning Administrator no later than the third Monday of the month in order to be considered at the Planning Commission meeting the following month. Applications or site plans not received by this date will likely be delayed to the following month.

You are also herein requested to furnish a copy of a "Certificate of Survey" showing current buildings or structures on the property and showing any proposed building or structures, including fencing.

2. The city administrative staff reviews the application and scale plans. If the scale plan is deemed insufficient, the applicant will be required to furnish a certified survey of the existing and proposed conditions on the lot, and the request will be delayed to the following month. If the application and plans are in order, the administrative staff will evaluate the variance application in accordance with state law and city ordinance.
3. The administrative staff forwards a recommendation for action to the Planning Commission. A copy of this recommendation will be forwarded to the Planning Commission about one week in advance of the meeting. The city staff may recommend approving, approving with additional contingencies, continuing, or denying the application.
4. Meetings are generally held the 4th Monday of each month at City Hall, 305 N. Main Street. The meetings begin at 5:00 pm. **You are hereby requested to attend the meeting and explain your request.**
5. The Planning Commission and staff will schedule a public hearing to be held at the meeting you attend. The legal notice for the request and meeting date will have been published in the Winthrop News at least 10 days prior to the public hearing. All property owners within a three hundred fifty (350) foot radius of the applicant's property are notified at least ten days prior to the public hearing of your request and are invited to the meeting where they may present their comments; there are requirements under Minnesota State Statutes.
6. After considering staff's recommendation, your explanation, and the neighborhood comments, the Planning Commission makes an advisory recommendation to the City Council. The Planning Commission's recommendation is formally considered by the City Council at their next meeting. Council meetings are generally held the first Monday of each month.
7. In the event the variance is not adhered to, the City may initiate legal action for noncompliance.