



## Application for Variance

Application Fee:  
\$400

**Variance:** A variance is to allow for an exception to the City’s land use regulations, including dimensional standards i.e. setbacks and height limits. It is not intended to allow a use not permitted in the underlying zoning district. Variances are reviewed by the Planning Commission, who conducts a public hearing on behalf of the City Council and makes a recommendation to either approve or deny the variance request. The City Council will make the final decision to approve or deny the variance.

**Pre-Application:** Contact and Meet with City Planning Department staff prior to application submittal to understand the process and identify potential issues. An applicant may want to contact the neighboring property owners/tenants regarding the variance request prior to submitting the application to the City for formal consideration.

**Application Deadline & Completeness:** All required application information and payment of the application fee must be received by the City at least three weeks prior to the regularly scheduled Planning Commission meeting in which you wish to be heard (attached submittal and meeting schedule).

All applications are evaluated by Planning Department staff, including the application form, site plan, and other relevant supporting information. If the materials submitted are deemed to be incomplete, Planning Department staff will not process the application and not place the item on the Planning Commission agenda.

**Application Information Required:** A site plan, drawn to scale including the following information, must accompany the application form with applicant(s) and owner(s) signature(s):

1. Description of site (legal description).
2. Site plan drawn at scale showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plans with estimated use per day.
8. Soil type.
9. Any additional data reasonably required by the Zoning Administrator or Planning Commission.

### **Public Notification:**

**Mailed Notification:** Minnesota Statute requires written notice of the variance request be mailed at least ten (10) days prior to the public hearing date. Notice of the public hearing is sent by the City to all property owners located within three hundred fifty (350) feet of the subject property.

**Published Notification:** Minnesota Statute requires that a minimum of ten (10) days prior to the public hearing date, notice of the variance request is published in the official newspaper (St. Joseph Newsleader).

**Staff Review:** Staff will review all application materials and prepare a memorandum for the Planning Commission. The memo will contain City staff’s recommendation to approve, approve with conditions, or deny. A copy of all application materials, including the staff memo, will be provided to the applicant via email or mail prior to the Planning Commission meeting. All materials will be available to the public through the City’s website.

**Planning Commission Meetings:** Planning Commission meetings are held on the second Monday of each month, unless there is a conflict with an election or holiday.

- In accordance with the adopted rules of order and procedure, an individual board member will not accept or participate in any discussion or review/receipt of information related to any pending request outside of an official meeting of the Planning Commission. All communications should be sent to Planning Department staff, who will distribute the information to all board members. Planning Commission members are encouraged to and may visit the subject property prior to the meeting.
- The Planning Commission chairperson will open the public hearing. It is recommended that the applicant, or their designated representative, testify first at the public hearing by outlining what the request is and why it should be approved. The speaker may be asked to respond to questions/concerns expressed by interested parties, Planning Commission members, or the general public.
- The Planning Commission has the option of recommending the City Council approve the request, approve the request with conditions, deny the request, or table the matter to their next meeting.
- The recommendation of the Planning Commission will be forwarded to the City Council for final decision.

**Granting a Variance and Findings of Fact:**

- The City Council may grant a variance if ALL of the following facts and conditions exists:
  1. The variance is consistent with the adopted St. Joseph Comprehensive Plan.
  2. The variance is in harmony with the general purposes and intent of this Ordinance.
  3. The applicant establishes that there are ‘practical difficulties’ in complying with the zoning ordinance. Practical difficulties as used in connection with the granting of a variance shall mean:
    - a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
    - b. The plight of the landowner is due to the circumstances unique to the property not created by the landowner
    - c. The variance, if granted will not alter the essential character of the locality.
  4. Economic considerations alone shall not constitute practical difficulties under the terms of this Ordinance.
  5. Practical difficulties shall include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
  6. Variances shall be granted for earth sheltered construction as defined in MN Statute 216C.06, Subd. 14 as may be amended, when in harmony with the zoning ordinance.
  7. Additional Conditions: If granting a variance, the City Council may impose conditions to ensure compliance with this Ordinance and to protect adjacent properties.
- The Planning Commission and City Council will adopt findings of fact based on the ordinance and information provided by the applicant.
- No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do, nor for any other reason other than proven practical difficulties. Granting of a variance is prescribed by Minnesota State Law.
- A copy of the recommendation by the Planning Commission will be forwarded to the City Council and the applicant and available on the City website with the Council meeting material. The City Council does not accept additional testimony on the proposed application but rather will review the request based on meeting the variance criteria, along with considering the recommendation of the Planning Commission and city staff.

**Withdrawal and Refund Policy:** An applicant has the right to withdraw an application at any time prior to the decision on the application. Such withdrawal must be in writing and the fee will not be refundable.

**Note to Applicant:** Please be aware that any written information you provide with your application or at a public hearing, including pictures, becomes the property of the City. All comments made at all meetings of the Planning Commission and City Council become part of the public record.

**Questions/Submit Completed Application To:**

City of St. Joseph  
Attn: Therese Haffner  
75 Callaway St E  
St. Joseph, MN 56374  
Phone: (320) 229-9429 Email: [thaffner@cityofstjoseph.com](mailto:thaffner@cityofstjoseph.com)  
Website: [www.cityofstjoseph.com](http://www.cityofstjoseph.com)

**PLEASE KEEP THIS MATERIAL FOR YOUR INFORMATION**

**ATTACHMENTS**

1. Application for Variance
2. Schedule of Planning Commission & City Council meeting dates



# City of St. Joseph Application for Variance

## APPLICANT INFORMATION:

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Name (s): \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

## INFORMATION ON PROPERTY OWNER (if different from Applicant):

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

## PROPERTY INFORMATION:

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Street Address of Subject Property: \_\_\_\_\_

Purpose of Variance: \_\_\_\_\_

Legal Description of Property (may be attached instead of listed): \_\_\_\_\_

## VARIANCE APPROVAL

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The City Council may allow a departure from the terms of the zoning ordinance pertaining to setbacks, height or width of structures or the size of yard and open spaces where such departure will still be in harmony with the general purpose and intent of the ordinance. A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner “practical difficulties.” For a variance to be granted, the applicant must satisfy a three-factor test for practical difficulties under state statute. **All** three factors must be satisfied to constitute practical difficulties. The factors are as follows:

1. That the property owner proposes to use the property in a reasonable manner but cannot do so under the rules of the ordinance.

**Explain how this applies to your request:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. That the landowner's problem is due to circumstances unique to the property not caused by the landowner. There are uniquely exceptional circumstances or conditions applying to the land, structure or building in question that do not generally apply to other properties in the same zoning district i.e. sloping topography or other natural features.

**Explain how this applies to your request:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. That if the variance is granted it will not alter the essential character of the locality meaning the structure will not be out of scale, out of place, or otherwise inconsistent with the surrounding area.

**Explain how this applies to your request:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: Economic considerations alone shall not constitute practical difficulties. Rather, practical difficulties exist only when the three statutory factors are met. Additional conditions may be imposed to ensure compliance with the City Code and to protect adjacent properties.**

**APPLICATION FOR VARIANCE APPROVAL**

Applications for Variance Approval shall be on this form and shall include the established fee. The application and copies of the site plan shall be submitted three (3) weeks prior to the next Planning Commission meeting. (Please see attached meeting schedule). The application shall contain twelve (12) copies (8.5"x11" or 11"x17") of exhibits, which will include the following information:

- Site Plan drawn at scale showing parcel, grading, landscaping and location of utilities, as applicable.
- Location of all buildings and their square footage.
- Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- Landscaping and screening plans.
- Sanitary sewer and water plan with estimated use per day.
- Drainage and grading plan; indicate soil type.
- Any additional information reasonably required by the City Staff, Planning Commission or City Council.

We, the undersigned, hereby certify that we have read, examined and understand this application and that the information submitted herein and attached hereto is true, accurate, and correctly states my intentions.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

<b>STAFF USE ONLY</b>	
Application Fee Due: \$400.00	
Application Fee Received by: _____	Date Application Received: _____