



Instructions for a Variance Application

Questions?

Please call the Planning Department at 234-4203:

- Dan Jochum, AICP, Planning Director
- Bonnie Baumetz, Planning Coordinator

Important Points-

- ✓ Cost is \$300.00 (non-refundable) Fee will be doubled if the application is “after the fact” or if a special meeting is requested.
- ✓ Application is due the 3rd Wednesday of the month to be on the next month’s agenda
- ✓ Site plan is needed
- ✓ Copy of deed is needed
- ✓ Planning Commission meeting is the 3rd Tuesday of the month at 5:30 p.m. in the City Council Chambers
- ✓ Hardship must be stated on the application
- ✓ Planning Commission makes a recommendation to the City Council which meets the 2nd and 4th Tuesdays of the month

VARIANCE APPLICATION PROCEDURES

SECTION 154.167, ZONING ORDINANCE

City of Hutchinson, Minnesota

APPLICATION FEE: **\$ 300.00-** Includes required legal advertisement, mailing to all property owners within 350 feet, and the filing fee for county recorder. All fees are due at the time of application and are not refundable. The fee will be doubled if the application is “after the fact” or if a special meeting is requested.

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 owner of all reasonable use of the land and/or building involved due to 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 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 is not changed.

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

PROCEDURES:

1. All application requests, including the required scale site plans, must be submitted to the City Zoning Administrator on or before the **3rd** Wednesday of the month. Applications or site plans not received by the **3rd** Wednesday will be delayed to the following month. You are also herein requested to furnish a copy of the deed for the property if it is abstract or owner’s certificate if it is torrens.
2. The city planning staff reviews the application, scale plans, and all other submitted information. If the scale site plan or information is deemed insufficient, the application 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 planning staff will evaluate the variance application in accordance with state law and city ordinance.

3. The planning staff forwards a recommendation for action to the Planning Commission. A copy of this **recommendation** will be forwarded to the applicant at the address stated on the application prior to the Planning Commission meeting. The city planning staff may recommend to deny, approve, continue, or approve with additional contingencies.
4. The planning commission receives a copy of your application and scale plan, along with the recommendation from city staff approximately 10 days before their meeting. The planning commission meeting is the 3rd Tuesday of each month at 5:30 p.m. in the City Center Council Chambers, 111 Hassan Street S.E. **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 Hutchinson Leader. All property owners within a 350 foot radius are notified of your request and are invited to the meeting where they may present their comments, this is a requirement under Minnesota State Statutes.
6. After considering the staff's recommendation, your explanation, and the neighborhood comments, the planning commission makes an advisory recommendation to the city council on the fourth (4th) Tuesday of the same month. The city council may approve, deny, or refer the recommendation back to the planning commission. The council also reserves the right to approve the request and add additional contingencies.
7. In the event the variance is not adhered to, the Zoning Administrator may recommend to the city council a legal action for noncompliance. If there is a conviction, the maximum fine is \$300 for each day the violation continues to exist.

APPLICATION FOR VARIANCE

City of Hutchinson, Minnesota

SUBMITTAL DEADLINE: On or before the 3rd Wednesday of the month (including scale maps).

Date Filed: _____

1. Name of Property Owner: _____ 2. Telephone No.: _____

3. Cell Phone No.: _____ 4. Fax No.: _____ 5. E-mail Address: _____

6. Address of Property Owner: _____

7. Street Address of Property Involved: _____

8. Legal Description of Property: _____

9. Is the property _____ ABSTRACT or _____ TORRENS (check one & attach deed or certificate of title)

10. Present Use of Property: _____

11. Proposed Use of Property: _____

12. Date Property Acquired: _____ 13. Present Zoning District: _____

14. Variance requested from the following Section(s) of the Zoning Ordinance: _____

15. What is the requirement of the Section(s) noted in No. 14? _____

16. What is the minimum reduction in the requirements of the Zoning Ordinance which would permit the proposed use or construction? _____

NOTE: A scale map survey is required to accompany this application. The map should include the building site (lots), existing building, planned new building(s), or addition(s), existing and proposed setbacks, street names and alleys, and N/S direction. City staff reserves the discretion to request a survey and delay the public hearing one month if the maps are insufficient.

17. State exactly what is intended to be done on or with the property which does not conform with the existing regulations: _

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NOTE: Minnesota Statutes require that the conditions set forth in the following two items (17 and 18) MUST be established before a variance can be granted. Explain in detail each statement:

18. Unique Circumstances of Lot: What are the special conditions (narrowness, shallowness, or shape of a lot, exceptional topographic or water conditions or other extraordinary and exceptional conditions of such lot) applying to the structure or land in question that are peculiar to the property involved or immediately adjoining property and do not apply generally to other land or structures in the district in which said land is located? _____

19. Undue Hardship: Describe the specific hardship(s) you claim: _____

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. (MN Statutes 462.357)..

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 is not changed. (MN Statutes 462.357.)

If you have difficulty in determining the above hardship, consider alternatives to your construction plan. Possibly you may not need this variance.

20. Effect on Neighborhood: Do you feel the granting of the variance impairs an adequate supply of light and air to adjacent property, unreasonably increases the congestion in the public streets, increases the danger of fire, endangers the public safety, unreasonably diminishes or impairs established property values in the surrounding area, or in any way impairs health, safety, comfort, morals, or in any respect is contrary to the intent of the Zoning Ordinance?

Yes _____ No _____

21. Acknowledgement and Signature: **The undersigned hereby represents upon all of the penalties of law, for the purposes of inducing the City of Hutchinson to take the action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the ordinance of the City of Hutchinson and the laws of the State of Minnesota.**

Legal property owner signature required: _____

Date: _____

To be completed by staff:
Property Identification No.: _____