



CRITERIA FOR GRANTING A VARIANCE

Minnesota State Statute in Chapter 462.357, Subdivision 6, (2), defines "practical difficulties" "... 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 shall not constitute practical difficulties.

The City Council may not permit as a variance any use that is not permitted under the Ordinance for property in the district where the affected person's land is located. The City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The City Council may impose conditions in the granting of a variance to insure compliance and to protect adjacent properties."

Simple inconvenience of a landowner, including self-created situations, are not considered a practical difficulty under Minnesota case law.

If you have difficulty in establishing a practical difficulty, please consider alternatives to your construction plans that may remove the need for a variance.

FILING REQUIREMENTS

Unless waived by the Planning Director, you must provide all of the following items with the Variance application. An incomplete application will not be accepted.

- ☐ A Complete Land Use Application and Application Fee of \$650.
- ☐ One large set (24"x36") and 20 copies (11"x17") of the following drawings:
 - Registered Survey, including:
 - All applicable setbacks
 - Impervious surface coverage
 - Driveways and sidewalks
 - Proposed and existing principle and accessory structures
 - Property lines and easements
 - The property and 100' beyond its boundaries
 - Grading/Drainage Plan with existing and proposed two-foot contours and Finished Floor Elevations (FFE)
 - Building renderings/elevations specifying building materials
 - Floor Plans



A written statement describing the intended use of the property and why the City should approve the variance request, answering the following questions:

- 1) Why is the variance request needed to relieve practical difficulties in complying with the zoning ordinance and how will the variance request result in a reasonable use of the property?
- 2) Compared to similarly sized lots in the neighborhood, what is unique about the size, shape, topography or location of your lot that prohibits reasonable use of the property?
- 3) How is the requested variance the minimum necessary to provide your property reasonable use?
- 4) What alternatives to a variance have been considered? Why are these alternatives not acceptable?
- 5) Has the property owner created the situation necessitating the need for a variance? Explain in detail.
- 6) Will the variance alter the essential character of the neighborhood? Explain in detail.
- 7) Describe why the needed variance is not solely based on economic considerations.



Electronic copy of all exhibits

PROCEDURE

1. The developer and consultants shall meet with the City Planner to explain proposed project and to receive information from staff relative to the site, prior to commencing project design.
2. Consult with the City Planner to determine the ordinances and procedures that apply to your application. Request application packet from the City Planner.
3. The completed application and required development fees, along with all supporting documentation requested herein must be returned on or before the established submittal date (third Tuesday of the month). **Late and/or incomplete submittals will not be placed on the Planning Commission agenda.**
4. The City Planner will schedule a public hearing with the Planning Commission. Allow at least 30-60 days from the application date to the Planning Commission hearing. The City Planner will mail a notice to property owners within 350 feet of the property. If the property is located within the shoreland overlay district, staff will send the variance application to the Minnesota Department of Natural Resources at least ten (10) days prior to the Planning Commission meeting. The City Planner will prepare a staff report and recommendation. A copy of the staff report will be mailed to the applicant on the Thursday before the Planning Commission meeting.
6. *As the applicant, your presence is expected at the Planning Commission meeting.* The Planning Commission meets on the third Tuesday of each month. Depending on the Planning Commission recommendation, the proposal will either go on to the City Council or come back to the Planning Commission for further review.
7. Following Planning Commission approval, the proposal will be presented to the City Council. The City Council meets on the first and third Mondays of each month. Approval of the variance request requires 3/5 vote of the City Council.
8. If a request for a variance or modification of a variance receives approval by the City Council, the applicant shall record such with the Hennepin County Records Office. Documents necessary for filing will be provided by the City Planner. No building permits for the property in question shall be granted until such written proof of recording is furnished to the City.

NOTES

1. Try to discuss your proposal with adjacent property owners before you submit a formal application. Any conflicts that you can resolve ahead of time will make it easier and faster for the City to process your application.
2. At its discretion, the City may require an outside consultant review the proposed application and provide written comment. Such consultants may include: attorney, engineer, city planner, landscape architect or forester. If the City requires such review and comment, the applicant must provide cash escrow to the City to cover the cost of the review. City staff will notify applicants that such review is required prior to hiring the consultant(s).
3. Submittal of an application grants the City permission to inspect and photograph the property (including Planning Commissioners and City Council members).



City of Deephaven

20225 Cottagewood Road
Deephaven, MN 55331
(952) 358-9938

Land Use Review Application

APPLICANT INFORMATION

Name:	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	E-Mail:	

PROPERTY OWNER INFORMATION (if different)

Name:	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	E-Mail:	

TYPE OF APPLICATION (check all that apply)

<input type="checkbox"/> Comprehensive Plan Amend	<input type="checkbox"/> Site Plan Review - Commercial	<input type="checkbox"/> Lot Line Adjustment
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Administrative Plat
<input type="checkbox"/> PUD – Concept Plan	<input type="checkbox"/> Variance	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> PUD – General Plan	<input type="checkbox"/> Appeal of Zoning Decision	<input type="checkbox"/> Final Plat
<input type="checkbox"/> PUD – Final Plan	<input type="checkbox"/> Lot Combination	<input type="checkbox"/> Other _____

PROJECT INFORMATION

Street Address:	Zoning District:
Property Identification Number(s) (PIN #s):	
Legal Description (attach if necessary):	
Description of Proposal (attach additional information if needed):	
Reason(s) to Approve Request (attach additional information if needed):	

APPLICANT'S STATEMENT

This application should be processed in my name. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct. I agree to reimburse the City of Deephaven for the costs of professional Engineers and other Consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff.

Signature: _____

Date: _____

OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application.

Signature: _____

Date: _____

Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for other important information. The checklist must be submitted with the application and the required submittals.