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Variance Information Sheet

Permits@ci.mounds-view.mn.us
www.ci.mounds-view.mn.us

A Zoning Code Variance is required to provide relief to a property owner when the strict enforcement of zoning regulations for lot size, setbacks, parking requirements, etc., imposes a practical difficulty to the property owner in the reasonable use of his land. Variance(s) will be granted only to provide relief in unusual situations that were not intended or foreseen when the Zoning Ordinance was adopted. Economic loss is seldom a unique situation and is generally not considered a valid hardship.

HOW DO I OBTAIN A VARIANCE?

After it has been determined that a variance is required, you will need to submit a City planning application, the required fee, and a letter explaining why you feel a variance should be granted.

There is a non-refundable fee required to process your application. Please call City Hall for the amount.

After all information has been received, City Staff will write a staff report that will be forwarded to the Planning Commission and schedule a public hearing with notices sent to all property owners within 350 feet. The Planning Commission will hold a public hearing and provide an opportunity for others to comment on the variance request. Following the hearing, the Planning Commission will make a determination if the variance should be granted. A variance may be granted only in the event that the following circumstances exist:

- 1. The variance is in harmony with the general purposes and intent of this Title.**
- 2. The variance is consistent with the Comprehensive Plan.**
- 3. The applicant proposes to use the property in a reasonable manner not permitted by this Title or the City Code.**

- 4. Unique circumstances apply to the property which do not apply to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owner of the property since the enactment of this Title has had no control. The unique circumstances do not result from the actions of the applicant.**
- 5. The variance does not alter the essential character of the neighborhood.**
- 6. The variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties.**
- 7. The Board of Adjustment and Appeals may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Code, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance.**

These are the criteria the Planning Commission will use when reviewing your application. Copies of this section of the City Code can be obtained at City Hall or on the city website.

CAN YOU APPEAL THE PLANNING COMMISSION'S DECISION?

Yes. An appeal can be made to the City Council if you do not agree with the Planning Commission's decision. You must formally submit a letter requesting an appeal to the City Administrator.

ONCE I RECEIVE A VARIANCE, HOW LONG IS IT IN EFFECT?

If the work, as granted by the variance, is not completed within one year of approval of the variance, the variance expires. The applicant can petition for an extension to complete the work. An extension request must be filed with the City at least 30 days before the expiration of the variance. The Planning Commission will decide whether or not to grant the extension.

HOW CAN I GET MORE INFORMATION ON VARIANCES OR ANY OTHER ZONING QUESTIONS?

If you have questions about the information in this handout, please contact the City Planner at (763) 717-4022 or the Community Development Department at (763) 717-4020. You can also e-mail your questions to permits@ci.mounds-view.mn.us.

The City also has permit applications available on our website at <http://www.ci.mounds-view.mn.us>.

This information is a guide to the most common questions and problems. It is not intended nor shall it be considered a complete set of requirements.