



TITLE 11
LAND DEVELOPMENT REGULATIONS

CHAPTER 11-300
ADMINISTRATION

(VARIANCE PROCEDURE AND REQUIREMENTS)

11-304.9 Variances.

(1) When used; Process. A request under Minn. Stat. 462.357 to vary from the standards of this title. A public hearing is required, and the Board of Adjustment and Appeals is the decision maker, subject to appeal to the City Council.

(2) Standards for Approval. A variance may be granted after the following findings are made:

(a) The variance is in harmony with the general purposes and intent of the ordinance from which the variance is requested.

(b) The variance is consistent with the Comprehensive Plan.

(c) The applicant demonstrates there are practical difficulties in complying with the ordinance from which the variance is sought. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Economic considerations alone do not constitute practical difficulties. In determining this standard, all the following must be met:

(i) Unless the variance is granted, the property cannot be used in a reasonable manner. If a property can be used reasonably without the granting of a variance, it can be used in a reasonable manner.

(ii) The variance requested must be the minimum to make reasonable use of the property.

(iii) The plight of the applicant or landowner is due to circumstances unique to the property not created by the applicant or landowner.

(iv) The variance, if granted, will not alter the essential character of the locality.

(d) Special exemption for earth-sheltered construction: Variances must be granted for earth sheltered construction as defined in Minn. Stat. §216C.06, subd. 14, when in harmony with the ordinance.

(3) Notice of Public Hearing. The Board of Adjustment and Appeals Chair shall cause a notice of the public hearing to be mailed, at least 10 days and not more than 20 days before the day of such hearing, to each property owner of affected property and property wholly or partially within 350 feet of the property to which such action relates. The notice must include the legal description of the property and common name designation of its location. The notice must state the time, place, and purpose of the hearing and that hearing will be held before the Board of Adjustment and Appeals. Failure to give notice or any defects in the notice shall not invalidate the proceedings. [Revised 10/15/13 Ordinance 2109]

Minn. Stat. 462.357 provides that: The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

An approved variance has no time limit unless specified as a condition of the variance.



TITLE 11
LAND DEVELOPMENT REGULATIONS

CHAPTER 11-600
RESIDENTIAL DISTRICTS

(LOW DENSITY RESIDENTIAL DISTRICT – LDR-2)

11-603.2 District Standards

(13) Reduced Front Yard Setback Permitted. Notwithstanding the provisions of this Chapter to the contrary, the Board of Adjustment and Appeals may permit the front yard setback to be reduced to not less than 25 feet on a property on which is constructed a principal structure, if no other arrangement is practical; provided, however, that the Board may permit such variance for either the principal structure or garage, but not both; and provided, further, that if the variance is given for the garage, the Board will require at least three paved on-site parking spaces whenever practical. Parking spaces within the garage will be considered as on-site parking spaces for purposes of this Section.

Revised City Code - 1982

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