



Application for Variance

Instructions for the Applicant:

The following is a detailed description of the contents of this application packet and instructions for how and what you, the Applicant, need to provide as part of your variance request

Application for Variance

This is the main, front cover page of your variance application giving an overall summary of your request.

Items 1 – 10 are to be filled out by the Applicant describing the ownership and location of the property relating to the request. Lake/River number and classification of the public water involved can be found in Appendix A & B of the Grant County Shoreland Management Ordinance, or contact our office for this information.

Request box – Indicate the nature of the request in the check boxes on the left and the relevant setbacks involved in the check boxes on the right. Below this, state in writing exactly what the Applicant wishes to do with the property that would deviate from the provisions of our Shoreland Ordinance. Supplementary information required to accompany the application is detailed later in the *Variance Checklist*.

Explain in Detail box *Items 1 – 3* Answer the three questions about your request as they relate to how compliance with the provisions of the Shoreland Ordinance would cause practical difficulties in using the property in a manner consistent with the general purposes & intent of Ordinance and the County Comprehensive Plan. Please be as descriptive as you can, as these questions represent the full premise of your request. A separate sheet can be attached to the document if you feel there isn't enough room provided on the form for your answer(s).

At the time of submitting the complete and official application, read and acknowledge the items detailed after '*Applicant*', and sign & date the form. An application fee payment of \$300 must accompany the application in order to be accepted and processed.

Summary of Variance Procedures

This is an informational page detailing the variance process to the Applicant. Please note that applications must be submitted 21 days prior to the desired Board of Adjustment hearing date. Typically, these meetings/hearings are held the second Wednesday of each month as needed. The County will provide you with the corresponding date and application deadlines involved.

After submittal of the application, starting with Step 3, the County will handle all further processing of the application, including all the public notice requirements. It is however, the Applicant's responsibility to provide enough copies of the application for the County to distribute to the members of the Board for their review prior to the hearing.

The Applicant or his/her representative is expected to attend the hearing to present their request and answer any questions the Board may have. A written notice of decision either approving or denying the request will be issued to the owner following the results of the hearing.

Variance Checklist

This checklist details all the documentation and items you will need to accompany your completed application. Contact us (Environmental Services office) if you have questions about any of these items as they relate specifically to your property or request. Of note, if a septic system (SSTS) is currently serving the property, submittal of a variance application will require proof of a current Certificate of Compliance (records of which are kept & maintained in our office). These certificates are valid for an initial period of 5 years after a newly installed system and 3 years thereafter for any successive inspections that result in a compliant status. If an up-to-date certificate is not available for the SSTS, a new compliance inspection of the system will need to be conducted. Contact our office for further information regarding our SSTS program requirements.

The Applicant must hire and obtain a legal land survey to accompany each variance request. This must be provided by a licensed land surveyor of the Applicant's choosing. While working with your surveyor, make sure they are aware of, and include as part of the survey, *at least* the minimum required details as outlined in the checklist under the '*Certificate of Survey*' heading. The property must also be staked out within 3 days of submitting the application, showing plainly the points of focus for which the variance request is being made.

Lot Coverage / Impervious Calculation Worksheet

Often times, the legal survey detailed above includes or can be requested to include and show all the impervious surfaces on the lot and their corresponding calculations. If this is the case, then the worksheet shown here can be disregarded. If not, the Applicant must use this worksheet to list all applicable square footage figures for all existing *and* proposed impervious surfaces and structures on the lot. Keep in mind that the impervious surface area of the lot must not exceed 25% of the total lot area *above the OHWL*, and no greater than 20% of the total lot area's impervious surface may consist of buildings/structures.

Variance Conditions / Mitigation

This page informs the Applicant that the Board of Adjustment has the right to impose conditions on the approval of a variance request, and provides some examples of what these conditions may look like.

Acknowledgment of 60-Day Waiver

By law, the Board of Adjustment must make a decision of approval or denial of a variance request within 60 days of submittal of a completed application. If no action is taken, or a decision is not made within that time-frame, the request will automatically be deemed as *Approved*. However, if during the months of October through March a variance application is submitted, winter conditions (i.e. heavy snow-cover, etc.) may prevent members of the Board from accessing or evaluating the property effectively. This may lead the Board to deny the request due to the inability to make an informed decision within the 60-day deadline. As such, the Applicant has the option to waive the 60-day deadline requirement, thereby allowing adequate time for winter or other adverse conditions to improve to allow a proper site evaluation. If you choose to allow this, sign & date the form and include it with your application.

Findings of Fact

The final two pages of the application packet contain the Findings of Fact document that the Board itself will be using to evaluate the variance request at the public hearing. The questions and discussion items shown set the standard for either approving or denying the request. The applicant does not need to provide written answers to these questions as part of their final/completed application submittal, but it is highly recommended that they familiarize themselves with these discussion items and be prepared to answer questions from the Board related to these topics during the hearing.

Upon completion of the hearing, the Board of Adjustment will decide whether to approve, approve with conditions, or deny the request. A written notice of decision will then be issued, including information on the appeals process should the request have been denied. If approved, the applicant has a period of 2 years to secure any additional standard permit(s) as may be required, and complete the project.

For further information, please contact our office

Grant County Environmental Services

10 2nd St NE Elbow Lake, MN 56531

Ph 218-685-8225

Application for Variance



Permit No. _____

1. Lake/River No. 26-	2. Lake/River Name	3. Lake/River Class	4. Section	5. Twp. Name
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6. Parcel Number(s)	7. Property (E-911) Address
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8. Legal Description

	Last name	First	Mailing Address	Daytime phone No.
9. Property Owner				
10. Contractor				

Request: Indicate what the variance request is for:

<input type="checkbox"/> Dimensions	<input type="checkbox"/> Lot Size	<input type="checkbox"/> Other	<input type="checkbox"/> Water Body	<input type="checkbox"/> SSTS Drainfield	<input type="checkbox"/> SSTS Tank
<input type="checkbox"/> Total Height	<input type="checkbox"/> Lot Coverage		<input type="checkbox"/> Road Center/R.O.W.	<input type="checkbox"/> Bluff	<input type="checkbox"/> Property Line
			<input type="checkbox"/> Floodplain Lowest Floor Elevation	<input type="checkbox"/> Other	

Setbacks from:

State exactly what is intended to be done on or with property that does not conform to the Shoreland Ordinance. Please provide as much supplementary information as possible such as maps, plans, information about surrounding property, etc.

Explain in detail the following:

- How the strict application of the provisions of the ordinance will result in practical difficulties inconsistent with the general purpose and intent:
- How there are exceptional circumstances or conditions unique to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood:
- How the granting of a variance will not be materially detrimental to the public welfare or injurious to the property in such zone or neighborhood that the property is located:

Note: The Board of Adjustment is required to make a written finding of the facts from the showing the applicant makes that the three above enumerated conditions exist and in addition thereto must find that the granting of such variance will not be in contrary to the objectives of the Comprehensive Plan.

Applicant: I understand that certain conditions of this variance may be required if this request is approved Yes No

The variance checklist has been reviewed and all required information has been provided Yes No

Application dated: _____ Applicant's Signature: _____

Office Use:
Date of hearing: _____ Time: _____

Variance Approved this _____ day of _____, _____ Motion as Follows: _____
Chairman



Grant County

Summary of Variance Procedures

Step 1 Pre-application meeting with Environmental Services staff

To discuss the intent of the request, identify materials and requirements needed to process the application, and explain the variance process and procedures.

Step 2 Submit the Complete Application

Complete application and fee must be submitted no less than 21 days prior to the next scheduled Board of Adjustment meeting. The application packet must include all of the items outlined in the Variance Checklist.

Application Deadline _____

BOA Meeting Date _____

Step 3 Processing

- Written notice sent to:
 - Property owners within 500 ft of affected property
 - Town Board of the Township wherein the variance is proposed
 - Officials of a City if incorporated limits lie within 2 miles of the proposed variance
 - DNR commissioner
- Notice of Public Hearing sent to official newspaper for publication
- Copies of the application packet sent to each member of the Board of Adjustment
- Meeting agenda sent to Applicant

Step 4 Board of Adjustment Meeting / Public Hearing

It is recommended that the Applicant or Representative of the Applicant attend the meeting to explain the request and answer any questions the Board may have.

Step 5 Findings of Fact / Notice of Decision

If the variance is granted, all related permits must be obtained through the Environmental Services office before the project can be authorized. Variances related to a specific project expire 2 years after approval if the project is not completed. All variances are recorded with the property deed in the County Recorder's office and a copy will be sent to the applicant.



Applicant _____

Parcel Number _____

Variance Permit No. _____

Variance Checklist

- Completed Application Page** With signature of Owner/Applicant
- Fee** \$300.00 Cash or Check made payable to *Grant County*
- Septic System Certification** If an SSTS serves the property, must show or obtain a current/valid certificate of compliance. For applications submitted between the months of November to April, a Winter Agreement to inspect or install SSTS may be used to satisfy this requirement.
- Building Plans** To include existing and proposed additions and structure(s), including views of the front, rear & sides of project
- Grading Plan** If the project includes a walk-out basement or is located on a steep slope or impacting a bluff impact zone. Additional information may be required as deemed necessary by Environmental Services staff upon reviewal of your proposal.
- Impervious Coverage Calculation** Impervious worksheet or survey. Only land above OHWL can be used to meet lot area standards.
- Stormwater Management Plan** When required to mitigate impacts to surface waters.
- Site Plan / Map** With the following information:
 - The proposed project must be staked out within 3 days of submitting this application to the Environmental Services office*
 - Location of all existing and proposed structures, their dimensions and setbacks from lot lines, OHWL, septic system, road right-of-way and other structures
 - E911 Address of the property subject to the application
 - Existing and proposed driveway, access road(s)
 - Location of septic system with setbacks related to the request, water wells and/or neighboring wells
 - Location of and dimensions of any proposed retaining walls that will result from constructing the proposed structure or SSTS system
 - Setback distance for all proposed encroachments
 - All impervious surfaces (existing and proposed shown with the total impervious calculation for each)
- Certificate of Survey** A legal land survey, prepared by a licensed land surveyor, of the property denoting all of the following:
 - Location of:**
 - Ordinary High Water Level (OHWL)
 - Property Lines
 - 1-foot Contours
 - Road Right-of-Way and/or Centerline
 - Existing Structures, including Decks
 - Proposed Structures / Alterations
 - Required Setback Line from:**
 - OHWL
 - Side Property Line
 - Rear Property Line
 - Road Right-of-Way and Centerline
 - Other _____

Lot Coverage / Impervious Calculation Worksheet

Lot coverage is limited to **25% of the total lot**. **No more than 20% of the total lot coverage may include Structures**. The final calculation below may not be greater than this amount. Please be advised that if you are over the maximum coverage allowed, you must reduce your coverage to receive a permit.

Instructions: Please list & calculate all that apply to your property. If an item does not apply, leave it blank.

	<u>Length (ft)</u>	X	<u>Width (ft)</u>	=	<u>Total (ft²)</u>
<u>Proposed Dwelling</u>					
House	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
House & attached garage	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
Deck(s)	_____ (ft)		_____ (ft)		_____ (ft ²)
<u>Proposed Non-Dwelling(s)</u>					
Detached garage	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
				=	
Storage structure(s)	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
				=	
(WOAS)	_____ (ft)	X	_____ (ft)		_____ (ft ²)
<u>Existing Dwelling</u>					
House	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
House & attached garage	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
Deck(s)	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
<u>Existing Non-Dwelling</u>					
Detached garage	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
Storage structure(s)	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)		_____ (ft)	=	_____ (ft ²)
(WOAS)	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
Driveway, Parking, Aprons (asphalt, cement, gravel)	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
Sidewalk, patio, paver stone	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
Landscaping (plastic under rock)	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
	_____ (ft)	X	_____ (ft)	=	_____ (ft ²)
Other	_____ (ft)		_____ (ft)	=	_____ (ft ²)
			Total		_____ (ft ²)

_____ X 0.25 = _____
 Total Lot Area (ft²) **Maximum Allowable Coverage (ft²)**



Grant County

Variance Conditions / Mitigation

The Board of Adjustment 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. To meet the purpose of the ordinance and to protect adjacent properties and the public interest in evaluating all variances, the County may require the property owner to address the following items when related to the proposed project:

- Advanced stormwater runoff management treatment
- Reducing Impervious surfaces
- Increasing setbacks of non-conforming structures from the Ordinary High Water Level
- Restoration of Wetlands
- Limiting vegetation removal and/or riparian vegetation restoration
- Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, or parking areas
- Other conditions the zoning authority deems necessary



Grant County

Acknowledgement of 60-Day Waiver for Variance

For completed variance applications submitted during the months of October through March, at which time snow cover or winter conditions may prohibit Administrative staff and Board of Adjustment members from adequately viewing or inspecting the property for which a variance is requested, it may not be possible to meet the legal requirement for making a decision on the request within 60 days of receipt of the application.

Therefore, written acknowledgement to waive the 60-day requirement may be granted by the Applicant to allow sufficient time to process the request and view the property under more favorable conditions. Please note that the absence of this waiver may leave the Board of Adjustment no alternative but to *deny* the Application.

Circumstances may require the Board of Adjustment to cancel its regularly-scheduled meeting. If a meeting is cancelled, no application for a variance shall be accepted as final until 21 days prior to the next scheduled meeting.

I, _____, understand the terms of this acknowledgment and agree to waive
Applicant Name – Please Print

the 60-day requirement for processing and final decision of my variance request.

Applicant Signature

Date



**Grant County
Board of Adjustment**

**Findings of Fact
Supporting / Denying a Variance**

A variance may be granted only where the strict enforcement of county zoning controls will result in “practical difficulty”. A determination that a practical difficulty exists is based upon the consideration of the following criteria as defined in Minnesota Statutes, Section 394.27. **Please answer the following questions as they relate to the specific variance request.**

1. Is the variance request consistent with the intent of the Shoreland/Zoning Ordinance and the county Comprehensive Plan?
 Yes No *Why or why not?*

2. Is the property owner proposing to use the property in a reasonable manner not permitted by official controls?
 Yes No *Why or why not?*

3. Will the requested variance maintain the essential character of the neighborhood, and not cause any substantial detriment to neighboring properties?
 Yes No *Why or why not?*

4. Are there circumstances or characteristics unique to the property, not caused by the owner, that create a practical difficulty in complying with official controls? *Please list / explain*
 Yes No

5. a. In your opinion, alternatives or adjustments to the proposed project that would alleviate the need for a variance have been explored or identified, but are not feasible for this property.
 Yes No *Why or why not?*

- b. Does the need for a variance involve more than just economic considerations?
 Yes No *Why or why not?*

The Board of Adjustment considers each of the elements listed above. If any one element is voted “No” in the majority, then the criteria for granting a variance, per Minnesota Statutes, Section 394.27 has not been met and the variance, as requested, cannot be granted.

In addition to the criteria required in MN Statute 394, the Grant County Shoreland Ordinance allows the Board of Adjustment the option to consider the following when evaluating variance requests:

1. Whether the variance will secure for the applicant a right or rights enjoyed by others in the same area
2. Whether existing sewage treatment systems on the property need upgrading before additional development is approved
3. Whether granting the variance will be contrary to the public interest or damaging to the rights of other persons or to property values in the neighborhood
4. Whether granting the variance will bring the property into closer conformity with the intent of the ordinance

The Board of Adjustment 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.

It is the Board of Adjustment's job to apply appropriate legal standards to a specific fact situation. Variances are meant to be an infrequent remedy to a situation where the ordinance imposes a unique and substantial burden. No variances shall be granted simply because there are no objections or because those who do not object outnumber those who do.

Facts supporting the answer to each question above are hereby certified to be the Findings of the Board of Adjustment.

The Grant County Board of Adjustment:

- () Denies
- () Approves
- () Approves with Conditions , **the Requested Variance.**

Applied Conditions to Variance Listed / Described Here:

1. _____

2. _____

3. _____

Dated _____

Signature _____
Chairman of the Board of Adjustment