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21 Second Street SE, Chatfield, MN 55923

507-867-3810

Variance Application Form

Name of Applicant: _____

Address of Applicant: _____
Street City Zip

Telephone Number: _____ Fax Number: _____

Email: _____

Property where the work will take place: _____

Key Dates:

_____ Pre-Application Meeting
_____ Submittal Date (14 days) prior to P&Z / Board of Adjustment Hearing
_____ Neighborhood Notification (At least 10 days prior to meeting) P&Z / Board of Adjustment
_____ Public Hearing Date
_____ Planning & Zoning Consideration Date
_____ Date Approved or Denied

Checklist for the submittal package:

_____ Signed and dated application form
_____ A preliminary building and site development plan
_____ The Planning & Zoning Commissioners may also require a boundary survey of the property
_____ Evidence of ownership or enforceable options on the property
_____ A description of the practical difficulties that should be considered
_____ A response to the criteria as stated in the Code
_____ Filling fee
(See attached sheet for a detailed outline of these requirements)

Signature of Property Owners: _____

Date: _____

Variance Criteria Chatfield Zoning Code - Section 113-110

- (a) The Board of adjustment, consistent with the authority granted by law, may grant a property owner a variance from compliance with the literal provisions this chapter in an instance where strict enforcement would cause practical difficulties to the individual property owner and when it can be demonstrated that such action will be in keeping with the spirit and intent of this chapter.
- (b) The term “practical difficulties” means that the:
 - (1) property owner purposes to use the property in a reasonable manner that is not otherwise not permitted; and,
 - (2) the plight of the property owner is due to circumstances unique to the property, not created by the property owner; and,
 - (3) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. “Practical difficulties”, for the purposes of this section, also means a and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
- (c) Notwithstanding a finding that practical difficulties exist, the board of adjustment may not permit as a variance any use that is not permitted under the provisions of this chapter for property in the zone where the land for which the variance is sought is located.
- (d) In its consideration of a variance request the board of adjustment shall consider the following questions:
 - (1) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land which results in practical difficulties for the owner?
 - (2) Whether or not the variance requested will alter the essential character of the locality?
 - (3) Whether or not granting the variance requested will:
 - a. impair an adequate supply of light and air to adjacent property;
 - b. substantially increase congestion in adjacent public streets;
 - c. endanger the public safety;
 - d. substantially diminish or impair property values within the vicinity?
 - (4) Whether the variance requested is the minimum variance which would alleviate the practical difficulties?
 - (5) Whether or not the variance requested is consistent with the intent of this chapter and the city's comprehensive plan?
 - (6) Whether or not the variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?
- (e) The board of adjustment, in granting a variance, may impose additional conditions to ensure compliance with its decision and protect adjacent properties. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance.

Please prepare a written response to each of the criteria listed above and submit it to the Office of the City Clerk.

Written Response for Granting Variances

A variance to the provision of the Zoning Ordinance may be issued by the Board of Adjustment to provide relief to the Landowner in those cases where the Ordinance imposes practical difficulties to the property owner in the use of this land. No use variances (uses different than those allowed in the district) may be issued. ***A variance may be granted only in the event that all the following circumstances exist:***

Please state the "practical difficulties" that the zoning code imposes on you in this instance:

- (1) Please state the exceptional, unique or extraordinary circumstances that apply to this property which do not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography or other circumstances over which the owners of the property have had no control:

- (2) Please state how the literal interpretation of the provisions of this Ordinance would deprive you of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance:

- (3) Please state that the actions of the applicant have not resulted in the special conditions or circumstances that exist:

- (4) Please describe that the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district:

- (5) Please describe how the issuance of the variance would not be materially detrimental to the purpose of this Ordinance or to other property in the same zone:

- (6) Please describe why a variance is needed to have your property used in a reasonable manner:

- (7) Please describe how the plight of the property owner is due to circumstances unique to the property, not created by the property owner:

- (8) Please describe that if the variance were granted how the proposal would not alter the essential character of the locality: *Economic considerations alone do not constitute practical difficulties. "Practical difficulties", for the purposes of this section, also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.*

- (9) Please describe whether the variance will impair providing an adequate supply of light and air to adjacent properties:

- (10) Please describe that the variance will not substantially increase congestion in adjacent public streets or endanger public safety:

- (11) Please describe the conditions that show that the variance requested is the minimum variance that would alleviate the hardship:

- (12) The board of adjustment, in granting a variance, may impose additional conditions to ensure compliance with its decision and protect adjacent properties. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance.

Please prepare a written response to each of the criteria listed above and submit it to the Office of the City Clerk. Use a separate sheet of paper if you desire.