

CITY OF PERHAM
APPLICATION FOR VARIANCE
APPLICATION FEE NON REFUNDABLE \$200.00

PAID

RECEIPT

This request must be heard by the Planning Commission prior to referral to the City Council

Notwithstanding any other provision of Section 38 of the Perham City Code, no variance shall be granted to establish a use not permitted in the zoning district where the property subject to the application is located. **No Variance** shall be authorized unless the Planning Commission and/or the Perham City Council determines that the application complies with the standards set forth in the Perham City Code, Section 38; Subdivision 5.

Date of Application: _____ Next Planning Commission Meeting _____

Applicant: _____ Phone: _____

Address: _____

Legal Description and Address of Property: (this information is available on your property tax statement) _____

Current use of Property: _____

Proposed use of Property: _____

CURRENT SETBACK REQUIREMENTS

PROPOSED SETBACKS

_____ Ft. Front Yard

_____ Ft. Front Yard

_____ Ft. Back Yard

_____ Ft. Back Yard

_____ Ft. Side Yard

_____ Ft. Side Yard

The proposed project will be within _____ ft. of _____ yard.

Description of the proposed project and reason for request (statement showing practical difficulty):

The Planning Commission shall consider the application at the next regularly scheduled meeting and may take up to 60 days to render a decision on the application for variance.

The owner hereby agrees that, in case such variance permit is granted, that all work which shall be done and all materials which shall be used shall comply with the plans and specifications therefore herewith submitted and with all ordinances of said City of Perham applicable thereto.

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, that the foregoing statements and answers herein contained and the information on the attached maps or plot plans and any other papers submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

Signature of Applicant

Date

ATTACHMENTS REQUIRED:

ACCURATE site plan shall be presented on 11" x 17" paper and to scale. It shall contain the following information:

- a. The proposed title of the project along with contact information for the architect, landscaper, planner, or engineer on the project.
- b. Location, dimensions, and total area of the site.
- c. Location, dimensions, floor area, type of construction, and use of each proposed building or structure.
- d. The proposed treatment of open space and exterior surfaces.
- e. Other site plan requirements as listed in Section 34 of the Perham City Code.

Requests for Variances are heard by the Planning Commission prior to referral to the City Council. The Planning Commission meets the third Tuesday of each month.

All applications for Variances must be submitted 3 weeks prior to the next scheduled Planning Commission meeting.

SECTION 38, SUBDIVISION 5 & 6 of Ordinance #286 (pages 128 – 129)

In considering an application for a variance, the Board of Adjustments and Appeals may approve such variance only upon the finding that the application complies with the standards set forth below.

(A) **General Standard.** Variances shall only be permitted when they are in harmony with the general purposes and intent of this Chapter and when the variances are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with this Chapter. “Practical difficulties”, as used in connection with the granting of a variance, means that 1) the property owner proposes to use the property in a reasonable manner not permitted by this Chapter, 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, and 3) the variance if granted, would not alter the essential character of the neighborhood.

(B) **Unique Circumstance.** Unique circumstance is defined as the property is exceptional as compared to other property subject to the same provisions by reason of a unique physical condition, including the presence of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot. The unique circumstance shall amount to more than a mere inconvenience to the owner and the hardship shall relate to the physical situation of the lot rather than the personal situation of the current owner of the lot. **Economic considerations alone do not constitute practical difficulties.**

(C) **Not Self-Created.** The unique physical condition and practical difficulties shall not be the result of any action or inaction of the property owner or its predecessors in title. The unique physical condition shall have existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Chapter.

(D) **Variance Less Than Requested.** A variance less than or different from that requested may be granted when the record supports the applicant’s right to some relief but not to the relief requested.

(E) **Essential Character of the Area.** The variance would not result in a development on the lot that:

- (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity.
- (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity.
- (3) Would substantially increase congestion in the public streets due to traffic or parking.
- (4) Would unduly increase the danger of flood or fire.
- (5) Would unduly tax public utilities and facilities in the area.
- (6) Would endanger the public health or safety.
- (7) Would not be in harmony with the general and specific purposes of this Chapter and the comprehensive planning policies and objectives of the City.

Conditions on Variances. The Board of Adjustments and Appeals may impose specific conditions and limitations upon the granting of a variance as are necessary to achieve the purpose and objectives of this Chapter. (Section 38 of Ordinance #286)

Such conditions and limitations may include, but are not limited to, those concerning the use, construction, character, location, landscaping, screening, parking, and other matters relating to the purpose and objectives of this Chapter and shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this Chapter and shall constitute grounds for revocation of the variance pursuant to Section 40.

Findings of Fact for Approval or Denial

Criteria for granting a Variance:

The Planning Commission shall only recommend the granting of the Variance if the application meets the criteria set forth in the Perham City Code, Section 38; Subdivision 5.

Special Conditions on Granting of a Variance

1) _____

2) _____

3) _____

General Provisions

- A) This variance is not valid until it has been recorded at the Office of the County Recorder. A true and correct copy of the full legal description of the affected property must be attached to this document.
- B) This variance does not constitute a building permit, sewage system permit, grading permit, land alteration permit, well permit or the like. Separate permits may have to be applied for and obtained in order to accomplish all the goals of the project authorized herein.
- C) The issuance of this variance does not negate the need to secure other permits from other local units of government, state agencies, or federal agencies who may also have jurisdiction over portions of your project.
- D) Subject to an extension of time granted by the Planning Commission no variance shall be valid for a period of no longer than twelve (12) months unless a Building Permit is issued, or unless a Certificate of Occupancy is issued and a use commenced within that period of time.

Signature of Zoning Administrator: _____ Date: _____