

HOW TO APPLY FOR A VARIANCE

The first step in the process is to contact the City of Waseca Planning Department to arrange a pre-application meeting with the Community Development Director. The purpose of this meeting is to advise you about how the City's policies and plans might affect the project and to help you coordinate your application. The Community Development Director will discuss the potential use of land, issues relating to the development of land and the development process. **The applicant is responsible for understanding all City Ordinances, including Chapter 154, Zoning Regulations.** The Community Development Director will also advise you of other potential governmental jurisdiction involvement.

The following information must be brought to the pre-application meeting:

1. The location of the property; and
2. Any preliminary plans developed for the property.

No application will be scheduled for a Planning Commission Public Hearing until all required information is submitted. The following information, along with the attached checklist, constitutes all of the information required for a complete application. The City also reserves the right to request additional information when needed to review an application.

- **Application Fees:**

1. A Check payable to the "City of Waseca":
 - Homestead Fee: \$517.00
 - Commercial Fee: \$515.00
2. A Check payable to the "Waseca County Recorder"
 - Standard Fee: \$46.00

- **Site Plan with Checklist:** The following information is required to be submitted as a part of the application (per City Code Section 154.173). Please check the box verifying it as being provided to the City with the application. *Failure to provide any of the required information will result in an incomplete application.* The Application Checklist will expedite the review of your application. **Attach the checklist with the application materials.**

- **Contacts:**

Planning Director:
Kimberly Johnson
 (507) 835-9741
kimj@ci.waseca.mn.us

Acting City Engineer:
Russ Stammer
 (507) 835-9716
citvengnr@ci.waseca.mn.us

Director of Utilities:
Carl Sonnenberg
 (507) 835-9713
carls@ci.waseca.mn.us

PLANNING PROCESS:

1. Application Due Date

- To be considered on the next available public hearing date, a complete application, including all required Submittals, must be received no later than the time specified below:

By 4:30 p.m. on the specified date of the Planning Commission Schedule
Friday, the ____ of _____.

2. Public Notification

- Posting, Waseca County News, Thursday, _____, 20____.
- Notification to property owners within 350 feet of property: _____, 20____.

3. Public Hearing by Planning Commission

- At 7:00 p.m., Tuesday, _____, 20____, City Council Chambers, 508 South State Street, Waseca.
- Prior to the Public Hearing, you will receive an **Agenda** and **Staff Report**.
- At the Hearing, the Planning Commission will make a recommendation on your application. This recommendation will be given to the City Council.

4. Final Action by City Council

- At 7:00 p.m., Tuesday, _____, 20____, City Council Chambers, 508 South State Street, Waseca.

5. Confirmation of Council Decision

- You will receive a letter confirming the Council's decision.
- If project is approved by City Council, the City of Waseca will send your Resolution and recording fee to Waseca County to be recorded.

6. Building Permit

- If the application is approved by the City Council, you may obtain a building permit.

VARIANCE APPLICATION CHECKLIST

PROPERTY OWNER: _____

ADDRESS: _____

ACTION NUMBER:
DATE SUBMITTED:
REVIEWED BY:

- 1. Completed Variance application and application fees.

- 2. Scaled site plan containing the following required elements:
 - a. Lot and lot dimensions.
 - b. North arrow.
 - c. Name(s) of abutting streets.
 - d. Existing structures, showing dimensions, exact placement on lot, and setbacks from lot lines.
 - e. Verified lot corners.
 - f. Street boulevard width (distance between the property line and the curb).
 - g. Lot coverage.
 - h. Building elevations, including garage elevations.
 - h. Verified utility locations marked on site plan. For utility locations, please call Gopher State One Call at 1-800-252-1166. Allow two days for locations to be marked on property.
 - i. Include Gopher One State ticket number on site plan.
 - j. Location and dimensions of garaged and other off-street parking areas.
 - k. Landscaped areas.

- 3. Floor layout showing interior room dimensions for each level of the building (if proposing an addition to an existing structure).

- 4. Certificate of Survey by a registered land surveyor (if property line is unknown and dealing with setbacks), containing the following required elements:
 - a. Existing and proposed structures.
 - b. Top of curb elevations in front of lot at corners and high side of proposed driveway.
 - c. Existing and proposed elevations of ground surface and locations of major building corners.
 - d. Top of block elevation and garage floor.
 - e. Walk-out elevation (if applicable).
 - f. Proposed elevations at lot corners.
 - g. Proposed drainage, indicated with drainage arrows.
 - h. Location and dimensions of garaged and other off-street parking areas.
 - i. Landscaped areas.
 - j. Grading and Drainage Plan, in consultation with the City Engineer.
 - k. Topographic map (two-foot intervals).

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The following data is required as part of a variance application according to the City of Waseca Zoning Regulations

Variances (Section 154.173)

1. A variance to the provision of this chapter may be issued to provide relief to the landowner in those cases where the ordinance imposes undue hardship or practical difficulties to the property owner in the use of this land, consistent with M.S. Ch. 462, as it may be amended from time to time. A variance may not circumvent the general purposes and intent of this chapter. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. No use variances may be issued. A variance may be granted only in the event that all the following circumstance exist:
 - a. Exceptional or extraordinary circumstances apply to the properties which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control;
 - b. The literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - c. That the special conditions or circumstances constitute an undue hardship, as defined by M.S. § 462.357 (6)(2), as it may be amended from time to time, do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures or buildings in the same district;
 - e. That the variance requested is the minimum variance which would alleviate the hardship; (Economic conditions alone shall not be considered a hardship.)
 - f. That the variance would not be materially detrimental to the purpose of this chapter, or to other property in the same zone; and
 - g. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or substantially diminish or impair property values within the neighborhood.
2. The following are required exhibits for variances:
 - a. A preliminary building end site development plan;
 - b. A legal description of the property; (The City Council may also require a boundary survey of the property.)
 - c. Evidence of ownership or enforceable option on the property; and
 - d. For properties in the shoreland overlay zoning district not served by municipal sewer, certification whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.
3. The procedures for obtaining a variance from the regulations of this chapter are as follows:
 - a. The property owner or his or her agent shall meet with the Zoning Administrator to explain his or her situation, learn the procedures and obtain an application form. At this meeting, the Zoning Administrator shall classify the permit and request under one of the following four levels:
 1. *Level 1*. Level 1 requests include the following:

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- a. Use only (no buildings);
 - b. Driveways; and
 - c. Fences.
2. *Level 2.* Level 2 requests include the following:
 - a. Single-family residential additions; and
 - b. Single-family residential garages and sheds.
 3. *Level 3.* Level 3 requests include the following:
 - a. Single-family to four-family (4-plex) residential construction;
 - b. Additions to residential structures having two or more units;
 - c. Building-moving;
 - d. Commercial/industrial additions of 2,000 square feet or less; and
 - e. Parking lots up to six spaces.
 4. *Level 4.* Level 4 requests include the following:
 - a. Residential construction of structures greater than four units;
 - b. Commercial/industrial additions of more than 2,000 square feet;
 - c. Commercial/industrial buildings; and
 - d. Parking lots more than six spaces.
- b. The property owner or his or her agent shall file with the Zoning Administrator a concept plan, to include lot area dimensions, existing and proposed structures and their dimensions, setbacks of all existing and proposed structures from all lot lines, utility locations, relationship to abutting streets, rights-of-way, road easements and drainage arrows. The property owner or agent shall pay, at the time of this information submittal, a review fee as established by City Council Resolution.
 - c.
 1. Upon receipt of a concept plan, the Zoning Administrator shall, within ten days of receipt of the information, forward the information to city departments required for review and schedule the Department review meeting. This meeting shall be scheduled at a time when the property owner or his or her agent is available to attend.
 2. The property owner or agent shall meet with the Department review team to review the comprehensive aspects of the proposal, including, but not limited to: traffic patterns and impacts, area grading and drainage, utility needs, density and public health and safety. This meeting shall be conducted within 20 days of receipt of the Zoning Administrator's receipt of the pre-application information required

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hereunder.

- d.
 1. The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee, at the time of application, according to the following schedule:
 - a. Homestead application, as established by City Council Resolution;
 - b. Homestead application for a substandard lot, as established by City Council Resolution; and
 - c. Commercial application, as established by City Council Resolution.
 2. The applicant shall also pay, at the time of application, the County Recorder's filing fee as set by the County Recorder, payable to the County Recorder. In the event the variance is not granted, the fee made payable to the County Recorder shall be returned. Levels 3 and 4 requesters may make formal application following the pre-application Department review meeting and pre-application information meeting. The required exhibits shall be as specified in the currently effective site plan review matrix and the planning and zoning application applicant checklist, as adopted by the City Council.
- e. Upon receipt of the application, the Zoning Administrator shall determine if the application, including required exhibits, is complete. If the application submittal is found to be incomplete, the Zoning Administrator shall, within ten business days of receipt of the application, notify the applicant in writing what information is missing.
- f. Upon receipt of a complete application, the Zoning Administrator shall set the date for a public hearing and shall have notice of the hearing published at least once in the legal newspaper, not less than ten days nor more than 20 days prior to the hearing. The Zoning Administrator shall also notify by mail all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property to receive the notification shall not invalidate the proceedings.
- g. The Zoning Administrator shall transmit the complete application to the Planning Commission.
- h.
 1. The Planning Commission shall hold a public hearing and within 30 days of the city's receipt of a complete application, shall recommend to the City Council one of three actions: approval, denial or conditional approval. The Planning Commission shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. In considering a variance request, the Planning Commission must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. Conditions imposed may address compliance with the standards established by this chapter, reduction or minimization of the effect of the variance upon other properties in the area, and to better carry out the intent of the variance.
 2. In the event that more time is needed for the Planning Commission to make a recommendation on the application, the Zoning Administrator shall notify the applicant in writing that an extension of time is needed for the Planning Commission to make a recommendation. His or her written notice must state the reasons for the extension and its anticipated length. The total length of the extended time needed for both the Planning Commission recommendation and City Council decision may not exceed 60 days unless approved by the applicant.
- i.
 1. The City Council shall act upon the application within 60 days of the city's receipt of a complete

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application. For requests involving property located in the shoreland overlay zoning district, when a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in § 154.060 shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance. In the event that a motion to approve a variance fails, an additional motion shall be made and adopted denying the variance, otherwise the permit shall be deemed granted.

2. In the event that the time for Planning Commission recommendation has been extended in accordance with (C)(8) above or, in the event that more time is needed for the City Council to make a final decision on the application, the Zoning Administrator shall notify the applicant in writing that an extension of time is needed for the City Council to take final action. This written notice must state the reasons for the extension and its anticipated length. The total length of the extended time needed for both the Planning Commission recommendation and City Council decision may not exceed 60 days unless approved by the applicant.
- j. No application by a property owner for a variance shall be submitted to the Planning Commission within a six-month period following a denial of a request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence of change or circumstances warrant it.
 - k. The City Council may revoke a variance if any conditions established by the Commission as part of granting the variance request are violated, or if construction covered by the variance does not proceed within 12 months of the date granting the variance.