



**CITY OF BIRCHWOOD VILLAGE
VARIANCE APPLICATION**

**207 Birchwood Ave., Birchwood, MN 55110
651-426-3403 • info@cityofbirchwood.com**

FOR OFFICIAL USE ONLY
(per Minn. Stat. 15.99)

Application Received Date: _____ Amount Paid: \$ _____

Date of Payment: _____ Payment Type:
• Cash
• Check (Number: _____)
• Credit Card

Application Complete: _____ Date of Determination: _____
Yes
No - Other
Deficiency: _____

Date Notice of Deficiency Sent:

Application Withdrawn by Applicant
Date: _____

- Variance Deadline Extended, because:
- Applicant requested extension.
- City staff require additional time to evaluate the application.
- The state or another agency must review the application.
- The application was received too late for city staff to process and place on the agenda of the next Planning Commission meeting.

Date Variance Extension Letter Sent: _____

Length of Extension: _____ days

Completed applications for variances submitted on or before the **first of each month** will generally be considered by the Planning Commission at its next meeting on the fourth Thursday of that month. Applications submitted after the first of the month will generally be considered the following month.

Upon recommendation of the Planning Commission, the City Council will consider and decide the variance application.

A. Applicant's Name:

Telephone:

Home:

Work/Cell:

B. Address (Street, City, State, ZIP):

C. Property Owner's Name (If different from above):

Telephone

Home: _

Work/Cell:

D. Location of Project:

E. Legal Description:

F. Description of Proposed Project:

G. Specify each section of the City Code for which a variance is sought. (Variances are not to be granted for the provisions of 301.050 but instead may be granted for other sections of chapters 200 or 300 that cause the existing or proposed structure or use to be non-conforming).

H. Explain how you wish to vary from the applicable provisions of the ordinance:

I. Please attach a site plan or accurate survey as may be required by ordinance, a Plot plan drawn to scale showing existing and proposed new and changed structures on the lot, and existing structures on adjacent lots.

J. Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes

No

Why or why not?

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes

No

Why or why not?

3. In your opinion, does the proposal put property to use in a reasonable manner?

- Yes No

Why or why not?

4. In your opinion, are there circumstances unique to the property?

- Yes No

Why or why not?

5. In your opinion, will the variance maintain the essential character of the locality?

- Yes No

Why or why not?

K. Are other governmental permits required for the project, including requirements of the Rice Creek Watershed District? Please attach copies of permits, or evidence they are unnecessary.

- Yes No

Which permits are required?

L. After the proposed project, will the impervious surface of the lot exceed 25 percent?

- Yes No

Please include the information in the following table.

| | EXISTING | PROPOSED | CHANGE |
|-----------------------------------|----------|----------|--------|
| 1. Total Square Footage of Lot | | | |
| 2. Maximum Impervious Surface | | | |
| 3. Roof Surface | | | |
| 4. Sidewalks | | | |
| 5. Driveways | | | |
| 6. Other Impervious Surface | | | |
| 7. Total of Items 3-6 | | | |
| 8. Impervious Surface Infiltrated | | | |
| 9. Item 8 subtracted from Item 7 | | | |
| 10. Percent Impervious Surface | | | |

The Planning Commission and City Council must make affirmative findings on each of the five criteria in question J in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria have been satisfied.

The City and its representatives accept no responsibility for errors and/or damages caused due to incomplete and/or inaccurate information herein. It is the responsibility of the applicant to ensure the accuracy and completeness of this information.

The applicant declares that they are familiar with application fees and other associated costs and with the procedural requirements of the City Code and other applicable ordinances, and that, with the exception of the City Code listed in question G, the proposed project conforms to the City Code, that the information provided in and enclosed herewith is complete and that all documents represented are true and correct representations of the actual project/building that will be built in conformance with such representation if approved.

Applicant's Signature: _____

Date: _____

Fee Owner's Signature: _____

Date: _____

304.020 Variance Application Requirements. Before consideration of a variance, an application for variance shall be made on forms provided by the City Clerk. The application shall be accompanied by the required information described below and by all required fees. Each application must include at a minimum:

- a) The legal description and address of parcel.
- b) Name, address, and phone number of applicant (and of the owner if owner is not the applicant).
- c) Plot plan drawn to scale. Elevation contour lines are required.
- d) Plan showing existing and proposed new and changed structures on the lot.
- e) Existing structures on adjacent lots.
- f) A certificate by a registered professional land surveyor verifying the location of all buildings, setbacks, and building coverage.
- g) A certificate by a registered professional land surveyor certifying other facts that in the opinion of the City are necessary for evaluation of the application.
- h) A separate enumeration of each section of the code to which a variance is requested along with a demonstration that the criteria set forth in section 304.040 are met for each enumerated section.
- i) Evidence demonstrating compliance with regulations of other governmental units when required by provisions of this code, State Law, or regulations of other governmental units. Non-limiting examples of government units which may have applicable regulations include the State of Minnesota, Rice Creek Watershed District, Minnesota Department of Natural Resources, White Bear Lake Conservation District, and the Minnesota Pollution Control Agency.
- j) Other documentation as applicable and as required by the City Code for the type of variance sought (see for example the impervious surface requirements of 302.050)