CITY OF MAPLE GROVE
12800 ARBOR LAKES PARKWAY
P. O. BOX 1180
MAPLE GROVE MN 55311-6180
763-494-6040

Office Use Only:

CASE #_____

PLANNER:

_____

VARIANCE APPLICATION

Project Name:_____

Application is hereby made for a variance to Section _____ of the Maple Grove

(Zoning/Subdivision) Ordinance for the purpose of:_____

_____

Address of Property:_____

OWNER: _____

CONTACT NAME (PRINT): _____ **PHONE:** _____

ADDRESS: _____ **FAX:** _____

CITY/ZIP: _____ **E-MAIL:** _____

APPLICANT: _____

CONTACT NAME (PRINT): _____ **PHONE:** _____

ADDRESS: _____ **FAX:** _____

CITY/ZIP: _____ **E-MAIL:** _____

The following information is submitted in support of the application as described on the attached "Variance Procedures".

- _____**1)** **Completed Application for Variance**
- _____**2)** **Application Fee of $175**
- _____**3)** **Legal description of the property**
- _____**4)** **Completed Acknowledgement of Responsibility form**
- _____**5)** **Completed Affirmation of Sufficient Interest form**
- _____**6)** **Narrative explaining the purpose of the request, the exact nature of the variance and the justification for the request**
- _____**7)** **Names and addresses of property owners within 350' of variance requested, certified by the Auditor of Hennepin County (Mail attached letter to John Smith - Hennepin County)**
- _____**8)** **Depending on the variance requested, the following may be required:**
  - _____**a)** **15 folded copies of a Site Plan indicating all information as listed on the attached "Variance Requirements"**
  - _____**b)** **15 folded copies of the Sign Plan, if applicable**
  - _____**c)** **15 folded copies of any other appropriate plans or drawings**
- _____**9)** **One set (8½" × 11") paper copies of all documents listed in #8 above**

I fully understand that all of the above required information must be submitted at least 28 days prior to a Planning Commission meeting to ensure review by the Planning Commission on that date.

_____ _____ _____
Applicant's Signature **Printed Name** **Date**

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposed of review of my application and to erect a temporary sign indicating the application proposed.

Signature of applicant _____ Date_____

Name of applicant _____ Phone_____
(Please Print)

Name and address of Contact (if other than applicant) _____

_____

_____

_____

_____

_____ _____
Phone Number **Date**

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that **I am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant _____
(Please Print)

Street address/legal description of subject property _____

_____

_____

_____

_____

_____ _____
Signature **Date**

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

APPLICANT - To receive names & addresses of property owners within 350' of the applicant address, please <u>mail a copy of this letter to the Hennepin County Government Center or you may order by phone by calling 612-348-5910</u>.

Date: _____

Property Id and Platting Unit
A-500 Government Center
300 South 6th Street
Minneapolis, MN 55478-0055

Dear Property ID/Platting:

Please prepare a certified list of the names and addresses of the owners of all properties located within **<u>350 feet</u>** of the following property:

Street Address _____

_____

Legal Description_____

_____

I understand the fee will be $1.25 per parcel/<u>$25.00 minimum/$250.00 maximum</u>. Please notify me when the list is complete and what the total fee is at:

_____

(Applicant's Name & Daytime Phone Number)

Hennepin County: After receiving payment for the list, please mail labels to:

_____

_____

_____

Sincerely,

_____

(Name of Applicant)

VARIANCE PROCEDURES

BY APPLICANT

- Submit all filing requirements to the Community Development Department at least **28 days prior** to the regular Planning Commission meeting at which the review is to be held.

All required information must be received before the application will be placed on a Planning Commission meeting agenda.

GENERAL FILING REQUIREMENTS

1) Completed application for Variance
2) Cash fee of $175.00
3) Legal description of property
4) Completed Acknowledgement of Responsibility form
5) Completed Affirmation of Sufficient Interest form
6) A narrative explaining the purpose of the request, the exact nature of the variance, and the justification for the request
7) Names and addresses of the owners of property within 350 feet of the property, certified by the County Auditor of Hennepin County
8) Dependent on the variance requested, the following may be required:
   a) 15 folded copies of a Site Plan indicating all information as listed on the attached "Variance Requirements"
   b) 15 folded copies of the Sign Plan, if applicable
   c) 15 folded copies of any other appropriate plans or drawings
9) One set (8½" X 11") paper copies of all documents listed in #8 above

BY CITY STAFF

- Public hearing notice published at least ten (10) days before the Planning Commission meeting at which time the item will be heard.
- Notice sent to area residents within a radius of at least 350 feet.
- Variance request placed on Planning Commission agenda for review.
- Staff report prepared recommending either approval **OR** denial and forwarded to Planning Commission 3 days prior to hearing; copy sent to applicant.
- Planning Commission reviews request and sends recommendation to City Council.
- Request placed on succeeding City Council agenda, with staff report and recommendations and Planning Commission recommendations noted.
- City Council acts on request, either approving, approving with stipulations **OR** denying.
- If approved, the City Council shall adopt the appropriate resolution granting the variance.
- Department notifies applicant in writing of City Council decision.
- The date of adoption by the City Council becomes the effective date of the variance.

DIVISION 5.

VARIANCES AND APPEALS

Sec. 36-121. General provisions and standards.

(a) The city council shall act as the board of adjustment and appeals.

(b) In considering all requests for a variance or appeal, and in taking subsequent action, the city staff, the planning commission and the city council serving as the board of adjustment and appeals shall make findings of fact that the proposed action will not:

(1) Impair an adequate supply of light and air to adjacent property.

(2) Unreasonably increase the congestion in the public streets.

(3) Increase the danger of fire or endanger the public safety.

(4) Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this chapter.

(c) The city council serving as the board of adjustment and appeals shall, after receiving the written reports and recommendations of the planning commission and the city staff, make findings of fact and decide upon requests for a variance by approving or denying the variance, in part or in whole, where it is alleged by the applicant that a non-economic, unique hardship in the reasonable use of a specific parcel of property exists.

(1) For purposes of this section, the term "unique hardship" shall mean a hardship which, for one of the following reasons, would make the strict application of the terms of this chapter result in exceptional difficulties when utilizing the parcel or lot in a manner customary and legally permissible within the district in which the lot or parcel is located, or would create undue hardship upon such lot or parcel that another lot or parcel within the same district would not have in a manner proposed by the appellant. A hardship is unique to a lot or parcel for one of the following reasons:

a. Narrowness, shallowness or shape of a specific parcel of property or a lot existing and of record on September 30, 1976;

b. Exceptional topographic or water conditions of a specific parcel of land or lot; or

c. An existing significant tree or tree stand which would be affected by a structure other than a building. For purposes of this subsection, the phrase "significant tree or tree stand" shall mean a tree having a diameter at breast height of at least 12 inches or a clustering of trees averaging eight inches in diameter, excluding tree diameters of four inches or less in such average calculations.

(2) Should the city council find that the conditions outlined in subsection (c)(1) of this section apply to the proposed lot or parcel, the council may grant a variance from the strict application of this chapter so as to relieve such difficulties or hardships to the degree considered reasonable, provided such relief may be granted without impairing the intent of this chapter.

(3) The planning commission, based upon a report and recommendation by the city staff, shall have the power to advise and recommend such conditions related to the variance regarding the location, character and other features of the proposed building, structure or

use as it may deem advisable in the interest of the intent and purpose of this chapter.

(d) The city council serving as the board of adjustment and appeals shall, after receiving the written report and recommendation of the planning commission and the city staff, make a finding of fact and make a decision on appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this chapter. However, such appeal shall be filed not later than 90 days after the applicant has received a written notice from the zoning administrator or the appeal shall be considered void.
(Code 1984, § 375:123(1))

Sec. 36-122. Procedure for review and approval.

(a) Requests for a variance or appeal shall be filed with the zoning administrator on an official application form.

(1) Such application shall be accompanied by a nonrefundable fee as established by the city council as set forth in chapter 16, article XI.

(2) Such application shall also be accompanied by ten copies of detailed written and graphic materials necessary for the explanation of the request, and a list, obtained from and certified by the county, of property owners located within 350 feet of the boundary of the subject property.

(3) The request shall be placed on the agenda of the first possible planning commission meeting occurring after ten days from the date of submission. The request shall be considered as being officially submitted when all the information requirements are complied with.

(b) The zoning administrator, upon receipt of the application, shall instruct the city clerk to set a public hearing for the next regular meeting of the planning commission.

(1) The planning commission shall conduct the hearing, and report its findings and make recommendations to the city council.

(2) Notice of the hearing shall consist of the property identification number and street address or common description, a description of the request and a map detailing the property location, and shall be published in the official newspaper at least ten days prior the hearing, and written notification of the hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question.

(c) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter.

(d) After the public hearing has been set, the city administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the city council.

(e) The planning commission and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, such information to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter.

(f) The applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the proposed variance request.

(g) The planning commission shall make findings of fact and decide to recommend approval

or denial of the request. The commission's recommendation and the city staff's report shall be presented to the city council serving as the board of adjustment and appeals at its next regular meeting.

(h) After receiving the planning commission's and city staff's report and recommendation concerning a request for variance or an appeal, the city council serving as the board of adjustment and appeals shall have the option to set and hold a public hearing if deemed necessary on the request. The board shall hear such persons as wish to be heard, either in person or by agent or attorney. Notice of any such hearing shall be mailed not less than ten days before the hearing to all owners of property according to the county assessment records, within 350 feet of the boundary of the property to which the variance relates.

(i) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter.

(j) The city council serving as the board of adjustment and appeals shall make findings of fact and shall decide whether to approve or deny a request for a variance or an appeal promptly after the request is officially submitted.

(k) A variance of this chapter or grant of an appeal shall be by four-fifths vote of the full city council serving as the board of adjustment and appeals.

(l) The zoning administrator shall notify in writing the originator of the variance request or appeal of the decision of the city council, serving as the board of adjustment and appeals.

(m) Whenever an application for variance has been considered and denied by the city council, a similar application for the variance affecting substantially the same property shall not be considered again by the planning commission or city council for at least six months from the date of its denial, and a subsequent application affecting substantially the same property shall likewise not be considered again by the planning commission or city council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the full city council.
(Code 1984, § 375:123(2); Ord. No. 04-31, § 1, 12-20-2004)

Sec. 36-123. Lapse of variance or appeal.

(a) Whenever within one year after granting a variance or appeal the use as permitted by the variance or appeal shall not have been completed or utilized, then such variance or appeal shall become null and void unless a petition for extension of time in which to complete or to utilize the use has been granted by the city council.

(b) Such extension shall be requested in writing and filed with the zoning administrator at least 30 days before the expiration of the original variance or appeal.

(c) There shall be no charge for the filing of such petition.

(d) The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the variance or appeal.

(e) Such petition shall be presented to the planning commission for a recommendation and to the city council for a decision.
(Code 1984, § 375:123(3))

Secs. 36-124--36-140. Reserved.

DIVISION 6.

CERTIFICATE OF OCCUPANCY

Sec. 36-141. Required; exceptions.

No land shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the zoning administrator stating that the use of the land complies with all of the provisions of this chapter. The provisions of this section shall apply to and include, without limitation, any change in the use of any parcel of land or any structure, building, or portion thereof. Farms are exempt from the requirement of a certificate of occupancy.
(Code 1984, § 375:126(1))

Sec. 36-142. Issuance.

A certificate of occupancy shall be applied for coincident with the application for a building permit, conditional use permit, and/or variance and shall be issued within ten days after the zoning administrator has found the use to be in compliance. The application shall be accompanied by a fee as established by the city council and set forth in chapter 16, article XI.
(Code 1984, § 375:126(2))

Secs. 36-143--36-180. Reserved.

CITY OF MAPLE GROVE 2014 PLANNING COMMISSION SUBMISSION DATES

Submission Deadline (DATE is FIRM)	Planning Commission Meeting Dates	City Council Meeting Dates	Osseo-MG Press PH Notice Deadline	Residential Mailing Deadline
December 16, 2013 December 30, 2013	January 13, 2014 January 27, 2014	*Tues., January 21, 2014 February 3, 2014	December 26, 2013 January 9, 2014	January 3, 2014 January 17, 2014
January 13, 2014 January 27, 2014	February 10, 2014 February 24, 2014	*Tues., February 18, 2014 March 3, 2014	January 23, 2014 February 6, 2014	January 31, 2014 February 14, 2014
February 10, 2014 March 3, 2014	March 10, 2014 March 31, 2014	March 17, 2014 April 7, 2014	February 20, 2014 March 13, 2014	February 28, 2014 March 21, 2014
March 17, 2014 March 31, 2014	April 14, 2014 April 28, 2014	April 21, 2014 May 5, 2014	March 27, 2014 April 10, 2014	April 4, 2014 April 18, 2014
April 14, 2014 April 28, 2014	May 12, 2014 *Tues., May 27, 2014	May 19, 2014 June 2, 2014	April 24, 2014 May 8, 2014	May 2, 2014 May 16, 2014
May 12, 2014 June 2, 2014	June 9, 2014 June 30, 2014	June 16, 2014 July 7, 2014	May 22, 2014 June 12, 2014	May 30, 2014 June 20, 2014
June 16, 2014 June 30, 2014	July 14, 2014 July 28, 2014	July 21, 2014 August 4, 2014	June 26, 2014 July 10, 2014	July 3, 2014 July 18, 2014
July 14, 2014 July 28, 2014	August 11, 2014 August 25, 2014	August 18, 2014 *Tues., Sept. 2, 2014	July 24, 2014 August 7, 2014	August 1, 2014 August 15, 2014
August 11, 2014 *Tues., Sept. 2, 2014	September 8, 2014 September 29, 2014	September 15, 2014 October 6, 2014	August 21, 2014 September 11, 2014	August 29, 2014 September 19, 2014
September 15, 2014 September 29, 2014	October 13, 2014 October 27, 2014	October 20, 2014 November 3, 2014	September 25, 2014 October 9, 2014	October 3, 2014 October 17, 2014
October 13, 2014 October 27, 2014	November 10, 2014 November 24, 2014	November 17, 2014 December 1, 2014	October 23, 2014 November 6, 2014	October 31, 2014 November 14, 2014
November 10, 2014	December 8, 2014	December 15, 2014	November 20, 2014	November 26, 2014

Planning Commission meetings are held on the 2nd and last Mondays of the month at **7:00 p.m.** unless a holiday falls on a Monday, then it would be held on the following Tuesday. After the Planning Commission makes its recommendation, (unless it is tabled) the item will be scheduled on the next available City Council meeting for their action.