



CITY OF MAPLE GROVE
12800 ARBOR LAKES PARKWAY
MAPLE GROVE MN 55369-7064
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 **\$200**
- ____ 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) Depending on the variance requested, the following may be required:
 - ____ a) 3 full size folded copies of a Site Plan indicating all information as listed on the attached "Variance Requirements"
 - ____ b) 3 full size folded copies of the Sign Plan, if applicable
 - ____ c) 3 full size folded copies of any other appropriate plans or drawings
- ____ 8) 1 sets (8½" x 11") paper copies of all documents listed in #7 above (not stapled)
- ____ 9) 2 sets (11 X 17) of all maps in #7 above
- ____ 10) One USB Flash Drive in .DXF AND .PDF format using the Hennepin County coordinate system for ALL MAPS 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.

VARIANCE PROCEDURES

BY APPLICANT

- Submit all filing requirements to the Community & Economic 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 \$200.00
- 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) Dependent on the variance requested, the following may be required:
 - a) 3 full size folded copies of a Site Plan indicating all information as listed on the attached "Variance Requirements"
 - b) 3 full size folded copies of the Sign Plan, if applicable
 - c) 3 full size folded copies of any other appropriate plans or drawings
- 8) 1 sets (8½" X 11") paper copies of all documents listed in #7 above
- 9) 2 sets (11 X 17) paper copies of all documents listed in #7 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) *Variances.*

- (1) 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, practical difficulty in the reasonable use of a specific parcel of property exists.
- (2) In considering all requests for a variance, the planning commission and the city council serving as the board of adjustments and appeals shall make findings of fact that the proposed action complies with the requirements of Minn. Stats. § 462.357 and any amendments thereto, which include, but are not limited to:
 - a. Variances shall only be permitted when they are in harmony with the general purpose and intent of city code and consistent with the comprehensive plan.
 - b. Variances may only be permitted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance, meaning the property owner proposes to use the lot or parcel in a reasonable manner not permitted by the zoning code.
 - c. The plight of the property owner must be due to circumstances that are unique to the lot or parcel and is not created by the property owner.
 - d. The variances must not alter the essential character of the locality.
- (3) Circumstances are "unique" under subsection (a)(2)c. above 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.
- (4) Not altering the essential character of the locality under subsection (a)(2)d. above shall mean the proposed action will not, among other things:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public streets.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood, the character of the neighborhood, or in any way be contrary to the intent of this chapter.

- (b) *Appeals from zoning decisions.* 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 30 days after the applicant has received a written notice from the zoning administrator or the appeal

shall be considered void. In considering requests for an appeal, the city council shall find that the requested action does not, among other things, alter the essential character of the locality as defined in subsection (a)(4) above.

- (c) *Judicial appeals.* A decision by the city council serving as the board of adjustment and appeals shall be the final decision by the city. A person aggrieved by such decision within the meaning of Minn. Stats. § 462.361 may pursue a judicial appeal of such final decision in a court of competent jurisdiction, provided such judicial appeal is filed within 30 days after the person receives actual notice of such final decision. Failure to file such an appeal within 30 days is an incurable jurisdictional defect, and such an appeal is void.

(Code 1984, § 375:123(1); Ord. No. 11-06, § 1, 7-18-2011; Ord. No. 20-03, § 1, 5-4-2020)

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.
 - (3) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter.
 - (4) 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.
 - (5) 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.
 - (6) The applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the proposed variance request.
 - (7) The planning commission shall make findings of fact and decide to: (i) recommend approval or approval with conditions that are directly related to and must bear a rough proportionality to the impact created by the variance; or (ii) recommend 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.

- (c) 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. If a hearing is set, 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.
 - (1) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter.
 - (2) The city council serving as the board of adjustment and appeals shall make findings of fact and shall decide whether to: (i) approve or approve with conditions that are directly related to and must bear a rough proportionality to the impact created by the variance; or (ii) deny a request for a variance or an appeal promptly after the request is officially submitted.
 - (3) 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.
 - (4) 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.
- (d) 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; Ord. No. 11-06, § 1, 7-18-2011)

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); Ord. No. 11-06, § 1, 7-18-2011)

November 4, 2020

CITY OF MAPLE GROVE 2021 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 7, 2020 December 28, 2020	January 11, 2021 January 25, 2021	*Tues., January 19, 2021 February 1, 2021	December 23, 2020 January 7, 2021	December 31, 2020 January 15, 2021
January 11, 2021 January 25, 2021	February 8, 2021 February 22, 2021	*Tues., February 16, 2021 March 1, 2021	January 21, 2021 February 4, 2021	January 29, 2021 February 12, 2021
February 8, 2021 February 22, 2021	March 8, 2021 March 29, 2021	March 15, 2021 April 5, 2021	February 18, 2021 March 11, 2021	February 26, 2021 March 19, 2021
March 8, 2021 March 29, 2021	April 12, 2021 April 26, 2021	April 19, 2021 May 3, 2021	March 25, 2021 April 8, 2021	April 2, 2021 April 16, 2021
April 12, 2021 April 26, 2021	May 10, 2021 *Tues., June 1, 2021	May 17, 2021 June 7, 2021	April 22, 2021 May 13, 2021	April 30, 2021 May 21, 2021
May 10, 2021 June 28, 2021	June 14, 2021 July 26, 2021	June 21, 2021 August 2, 2021	May 27, 2021 July 8, 2021	June 4, 2021 July 16, 2021
July 12, 2021 July 26, 2021	August 9, 2021 August 30, 2021	August 16, 2021 *Tues., Sept. 7, 2021	July 22, 2021 August 12, 2021	July 30, 2021 August 20, 2021
August 9, 2021 August 23, 2021	September 13, 2021 September 27, 2021	September 20, 2021 October 4, 2021	August 26, 2021 September 9, 2021	September 3, 2021 September 17, 2021
*Tues., September 7, 2021 September 27, 2021	October 11, 2021 October 25, 2021	October 18, 2021 November 1, 2021	September 23, 2021 October 7, 2021	October 1, 2021 October 15, 2021
October 11, 2021 October 25, 2021	November 8, 2021 November 29, 2021	November 15, 2021 December 6, 2021	October 21, 2021 November 10, 2021	October 29, 2021 November 19, 2021
November 8, 2021	December 13, 2021	December 20, 2021	November 24, 2021	December 3, 2021

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.