

# CITY OF LAKE SHORE

## PLANNING & ZONING

8583 INTERLACHEN ROAD, LAKE SHORE, MN 56468

Phone: (218) 963-2148

# VARIANCE APPLICATION REQUIREMENTS AND INFORMATION

Definition of a Variance A legally permitted deviation as provided in **MNSS 462.357**, subd. 6, from the provisions of the Land Use Ordinance as deemed necessary by the Board of Adjustment upon the showing of practical difficulties in complying with the provisions of the Land Use Ordinance, provided the deviation from the Land Use Ordinance with any attached conditions will still be in harmony with the general purposes and intent of the Land Use Ordinance and the variance is consistent with the City's Comprehensive Plan. Refer to Lake Shore Ordinance Section 69.

A **Certificate of Survey** signed by a licensed land surveyor **MUST** be submitted for all Variance applications, unless waived by the planning and zoning administrator. The survey requirements are attached to a checklist below.

### The following information needs to be submitted with the application:

- Certificate of Survey: (1) 11"x17" copy and (1) electronic PDF copy
- Signed application form & Authorized Agent Form (if applicable)
- Non-refundable application fee
- Building elevations (each side) sheet not to exceed 11" x 17" and (1) PDF electronic copy
- Building height shall be shown on building elevations as defined in Lake Shore Ordinances, sheet not to exceed 11" x 17", and (1) PDF electronic copy
- Floor plans (each level) sheet not to exceed 11" x 17" and (1) PDF electronic copy
- Certificate of Compliance or Septic System Design and Evaluation

**PLEASE NOTE:** Applications **WILL NOT** be processed unless all required information for a Variance is submitted and fees are paid by the application deadline date. We cannot accept the application if any of the above items has not been met, which will delay your start time for your project. If you have any questions please feel free to ask **PRIOR** to the application deadline; a question now may save time and money later.

## REVIEW:

- A. Planning and Zoning Department shall review the application for completeness and assign a reference number to the application, plans, and any other attachments. The applicant shall be notified within 10 days if additional information is required to complete the application.
- B. After receiving a completed Variance Application and supporting documents, the Zoning Administrator shall add the application to the next available public hearing date on the Planning Commission's agenda. Applicants will be notified by email of the date and time of the public hearing.
- C. The Zoning Administrator will prepare a Staff Report on the application. The Staff Report will be available for public review at City Hall no later than one week prior to the scheduled meeting date. The City Engineer may comment on the application if appropriate.
- D. The City Fee Schedule is based on average processing and review costs for land use applications. When costs exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to obtain in reviewing permits. The City may withhold final action on a land-use application and/or hold the release of a construction permit until all fees are paid.

## ACTION:

- A. The Board of Adjustment shall hold a public hearing on the variance application.
- B. At the conclusion of the public hearing, and after consideration of the testimony presented, the Board of Adjustment shall make a decision to table, approve, or deny the application.
- C. The variance application shall be accompanied by all applicable fees made payable to the City of Lake Shore. This includes the recording fee, payable to Cass County. **This fee does not cover the land-use permit, which must be filed separately if necessary.**

<b>APP#</b> _____
<b>Date</b> _____
(for office use only)

**CITY OF LAKE SHORE**  
**VARIANCE APPLICATION**

Name of Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

City, State, Zip \_\_\_\_\_

\*Email of property owner (if different than applicant) \_\_\_\_\_

Applicant is:

Title Holder of Property:

Legal Owner            () \_\_\_\_\_  
Contract Buyer        () \_\_\_\_\_  
Option Holder         () \_\_\_\_\_  
Agent                    () \_\_\_\_\_  
Other \_\_\_\_\_

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City, State, Zip)

Signature of Owner, authorizing application: \_\_\_\_\_  
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request:  
\_\_\_\_\_  
\_\_\_\_\_

Parcel ID No. \_\_\_\_\_ Zoning District \_\_\_\_\_

Description of Proposed Project in detail:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specify the section of the ordinance from which a variance is sought:  
\_\_\_\_\_

Explain how you wish to vary from the applicable provisions of the ordinance: \_\_\_\_\_  
\_\_\_\_\_

A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of property. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance 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 the zoning ordinance. Practical difficulties as used in connection with granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

- (1) In your opinion, is the variance in harmony with the purposes and intent of the ordinance?  
Yes ( ) NO ( ) Why or why not?

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- (2) In your opinion, is the variance consistent with the Comprehensive Plan?  
Yes ( ) No ( ) Why or why not?

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- (3) In your opinion, does the proposal put the property to use in a **reasonable** manner?  
Yes ( ) No ( ) Why or why not?

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- (4) What other options, either conforming or non-conforming, have been considered and why were those options not chosen?

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- (5) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

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(6) In your opinion, are there circumstances unique to the property?  
Yes ( ) No ( ) Why or why not?

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(7) In your opinion, will the variance maintain the essential character of the locality?  
Yes ( ) No ( ) Why or why not?

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(8) Discuss any environmental limitations of the site or area.

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(9) Please include any other comments pertinent to this request.

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The Board of Adjustment must make an affirmative finding on all criteria listed above to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria above have been satisfied.

## SURVEY CHECKLIST

\_\_\_ **Proposed improvements must be staked 10 days before the meeting.**

Legal Description of Site

Property Identification Number (PID)

Building Envelope

Site plan, prepared by a licensed surveyor, showing parcel, dimensions and 10-foot contours (smaller contour intervals may be required where deemed necessary)

Location of all existing and proposed structures, their square footage, height, dimensions, and setbacks from lot lines and lakes

Existing and proposed driveway, access roads, parking, off-street loading, and sidewalks

Proposed landscaping and screening plans

Proposed Drainage Plan

Location of the Septic System and the well

Building Elevations

Impervious surface calculations (existing and proposed)

Soils data

Bluff determination if necessary.

Name of record owner/title holder of property

Approximate location of existing and proposed water courses, wooded areas, and other significant physical features

**CITY OF LAKE SHORE CONTACT INFORMATION**

Planning and Zoning:

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