



# **Instructions for a Variance Application**

- ✓ Cost is \$450.00 (non-refundable) Fee will be doubled if the application is “after the fact” or if a special meeting is requested.
- ✓ Application is due the 3<sup>rd</sup> Friday of the month to be on the next month’s agenda
- ✓ Site plan is needed
- ✓ Copy of deed is needed
- ✓ Planning Commission meeting is the 3<sup>rd</sup> Tuesday of the month at 5:30 p.m. in the City Council Chambers
- ✓ “Practical difficulties” must be stated on the application
- ✓ Planning Commission makes a recommendation to the City Council which meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month

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**APPLICATION FEE:**        **\$ 4500.00-** Includes required legal advertisement, mailing to all property owners within 350 feet, and the filing fee for county recorder. All fees are due at the time of application and are not refundable. The fee will be doubled if the application is “after the fact” or if a special meeting is requested.

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The Planning Commission, acting as the Board of Adjustments and Appeals, is authorized to hear requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance and when the variances are consistent with the comprehensive plan.

**PLEASE NOTE: Inconvenience** of the landowner or occupant, self created situations (including purchase of property), age and/or health problems are not deemed practical difficulties under Minnesota case law.

**Economic considerations alone shall not constitute practical difficulties.**

“Practical difficulties” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; 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.

**If you have difficulty in determining the above practical difficulties, consider alternatives to your construction plan. POSSIBLY, YOU MAY NOT NEED THIS VARIANCE.**

## **PROCEDURES:**

1. All application requests, including the required scale map survey, must be submitted to the City Zoning Administrator on or before the **3<sup>rd</sup>** Wednesday of the month. Applications or site plans not received by the 3<sup>rd</sup> Wednesday will be delayed to the following month. You are also herein requested to furnish a copy of the deed for the property if it is abstract or owner’s certificate if it is torrens.
2. The city planning staff reviews the application, scale map survey, and all other submitted information. If the scale map survey or information is deemed insufficient, the application will be required to furnish a certified survey of the existing and proposed conditions on the lot, and the request will be delayed to the following month. If the application and plans are in order, the planning staff will evaluate the variance application in accordance with state law and city ordinance.

3. The planning staff forwards a recommendation for action to the Planning Commission. A copy of this **recommendation** will be forwarded to the applicant at the address stated on the application prior to the Planning Commission meeting. The city planning staff may recommend to deny, approve, continue, or approve with additional contingencies.
4. The planning commission receives a copy of your application and scale plan, along with the recommendation from city staff approximately 10 days before their meeting. The planning commission meeting is the 3<sup>rd</sup> Tuesday of each month at 5:30 p.m. in the City Center Council Chambers, 111 Hassan Street S.E. **You are hereby requested to attend the meeting and explain your request.**
5. The planning commission and staff will schedule a public hearing to be held at the meeting you attend. The legal notice for the request and meeting date will have been published in the Hutchinson Leader. All property owners within a 350 foot radius are notified of your request and are invited to the meeting where they may present their comments, this is a requirement under Minnesota State Statutes.
6. After considering the staff's recommendation, your explanation, and the neighborhood comments, the planning commission makes an advisory recommendation to the city council on the fourth (4<sup>th</sup>) Tuesday of the same month. The city council may approve, deny, or refer the recommendation back to the planning commission. The council also reserves the right to approve the request and add additional contingencies.
7. In the event the variance is not adhered to, the Zoning Administrator may recommend to the city council a legal action for noncompliance. If there is a conviction, the maximum fine is \$300 for each day the violation continues to exist.

# APPLICATION FOR VARIANCE

## City of Hutchinson, Minnesota

**SUBMITTAL DEADLINE: On or before the 3<sup>rd</sup> Friday of the month (including scale maps).**

Date Filed: \_\_\_\_\_

1. Name of Property Owner: \_\_\_\_\_ 2. Telephone No.: \_\_\_\_\_

3. Cell Phone No.: \_\_\_\_\_ 4. Fax No.: \_\_\_\_\_ 5. E-mail Address: \_\_\_\_\_

6. Address of Property Owner: \_\_\_\_\_

7. Street Address of Property Involved: \_\_\_\_\_

8. Legal Description of Property: \_\_\_\_\_

9. Is the property \_\_\_\_\_ ABSTRACT or \_\_\_\_\_ TORRENS (check one & attach deed or certificate of title)

10. Present Use of Property: \_\_\_\_\_

11. Proposed Use of Property: \_\_\_\_\_

12. Date Property Acquired: \_\_\_\_\_ 13. Present Zoning District: \_\_\_\_\_

14. Variance requested from the following Section(s) of the Zoning Ordinance: \_\_\_\_\_

15. What is the requirement of the Section(s) noted in No. 14? \_\_\_\_\_

16. What is the minimum reduction in the requirements of the Zoning Ordinance which would permit the proposed use or construction? \_\_\_\_\_

NOTE: A scale map survey is required to accompany this application. The map should include the building site (lots), existing building, planned new building(s), or addition(s), existing and proposed setbacks, street names and alleys, and N/S direction. City staff reserves the discretion to request a survey and delay the public hearing one month if the maps are insufficient.

17. State exactly what is intended to be done on or with the property which does not conform with the existing regulations: \_\_\_\_\_

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**NOTE: Minnesota Statutes require that the conditions set forth in the following two items (17 and 18) MUST be established before a variance can be granted. Explain in detail each statement:**

18. Unique Circumstances of Lot: What are the special conditions (narrowness, shallowness, or shape of a lot, exceptional topographic or water conditions or other extraordinary and exceptional conditions of such lot) applying to the structure or land in question that are peculiar to the property involved or immediately adjoining property and do not apply generally to other land or structures in the district in which said land is located? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

19. Practical Difficulties: Describe the specific practical difficulties you claim: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please Note:** Inconvenience of the landowner or occupant, self-created situations (including purchase of property), age and/or health problems are not deemed hardship under Minnesota case law.

Economic consideration alone shall not constitute an undue hardship if reasonable use of the property exists under the ordinance. (MN Statutes 462.357).

“Practical difficulties” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; 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.

20. Effect on Neighborhood: Do you feel the granting of the variance impairs an adequate supply of light and air to adjacent property, unreasonably increases the congestion in the public streets, increases the danger of fire, endangers the public safety, unreasonably diminishes or impairs established property values in the surrounding area, or in any way impairs health, safety, comfort, morals, or in any respect is contrary to the intent of the Zoning Ordinance?

Yes \_\_\_\_\_ No \_\_\_\_\_

21. Acknowledgement and Signature: The undersigned hereby represents upon all of the penalties of law, for the purposes of inducing the City of Hutchinson to take the action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the ordinance of the City of Hutchinson and the laws of the State of Minnesota.

Legal property owner signature required: \_\_\_\_\_

Date: \_\_\_\_\_

To be completed by staff:

Property Identification No.: \_\_\_\_\_

05/08/2023