



Definition

Minnesota State Statute in Chapter 462.357, Subdivision 6, (2), defines "practical difficulties" "... 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 shall not constitute practical difficulties.

The City Council may not permit as a variance any use that is not permitted under the Ordinance for property in the district where the affected person's land is located. The City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The City Council may impose conditions in the granting of a variance to insure compliance and to protect adjacent properties."

FILING REQUIREMENTS

Unless waived by the Planning Department, you must provide all of the following items with the Conditional Use Permit application. An incomplete application will not be accepted.

15 copies (11"x17") of the following drawings:

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| <input type="checkbox"/> Registered Survey, including: <ul style="list-style-type: none">- All applicable setbacks- Impervious surface coverage- Driveways and sidewalks- Existing principle and accessory Structures- Location of all significant trees | <input type="checkbox"/> Grading/Drainage Plan with existing and proposed two-foot contours |
| | <input type="checkbox"/> Building renderings/elevations specifying building materials |

- A Complete Land Use Application and Application Fee
- The names and addresses of all current property owners of record within **350 feet** of the boundaries of the property. Contact the Property ID & Platting Dept at (612) 348-5910. You will need the PID#. The fee is \$1.25 per parcel with a minimum charge of \$25.

A narrative answering the following questions:

1. What are the practical difficulties that would prohibit reasonable development without a Variance?
2. What are the conditions on the property that create the practical difficulties that are not present on similar sized lots in the same area and zoning district?
3. How does the Excelsior Zoning Code deprive your property of reasonable use enjoyed by other properties in the vicinity and in the same zone as your property?
4. How is the requested variance the minimum necessary to provide your property reasonable use? What other alternatives have you considered that do not require a variance? Why are these alternatives not acceptable?
5. How is the variance not the result of deliberate actions of the applicant or property owner?
6. How does the Variance, if granted, not alter the essential character of the locality (neighborhood).
7. How will granting of the Variance not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which your property is located?
8. How is the Variance consistent with the Comprehensive Plan?
9. How is the Variance consistent with the intent and purpose of the provision being varied?

Electronic copy of all exhibits

PROCEDURE

1. The developer and consultants shall meet with Planning staff to explain proposed project and to receive information from staff relative to the site, prior to commencing project design.
2. Consult with the Planning staff to determine the ordinances and procedures that apply to your application. Request application packet from Planning staff.
3. The completed application and required development fees, along with all supporting documentation requested herein must be returned on or before the established submittal date.

Late and/or incomplete submittals will not be placed on the Planning Commission agenda.

4. The City Planner will schedule a public hearing with the Planning Commission after preparing a report and recommendation. Allow at least 30-60 days from the application date to the Planning Commission hearing. The City Planner will mail a notice to property owners within 350 feet of the property. A copy of the staff report will be mailed to the applicant on the Thursday before the Planning Commission Meeting.
5. *As the applicant, your presence is expected at the Planning Commission meeting.* The Planning Commission meets on the second Monday of each month. Depending on the Planning Commission recommendation, the proposal will either go on to the City Council or come back to the Planning Commission for further review.
6. Following Planning Commission approval, the proposal will be presented to the City Council. The City Council meets on the first and third Mondays of each month. Approval of the variance request requires 4/5 vote of the City Council.
7. If a request for a variance or modification of a variance receives approval by the City Council, the applicant shall record such with the Hennepin County Records Office within thirty (30) days of the City Council approval date. The applicant shall furnish the City written proof within ten (10) days of recording. No building permits for the property in question shall be granted until such written proof of recording is furnished to the City.

NOTES

1. Try to discuss your proposal with adjacent property owners before you submit a formal application. Any conflicts that you can resolve ahead of time will make it easier and faster for the City to process your application.
2. At its discretion, the City may require an outside consultant review the proposed application and provide written comment. Such consultants may include: attorney, engineer, city planner, landscape architect or forester. If the City requires such review and comment, the applicant must provide cash escrow to the City to cover the cost of the review. City staff will notify applicants that such review is require prior to hiring the consultant(s).