



1685 CROSSTOWN BOULEVARD N.W. • ANDOVER, MINNESOTA 55304 • (763) 755-5100
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VARIANCE REQUEST FORM

Property Address _____

Property Owner: _____ Phone: _____

Signature: _____

Legal Description of Property (if legal is metes and bounds, please attach a separate page).

Lot _____ Block _____ Addition _____

PIN _____

Note: If the legal description is not provided, the application will not be considered complete.

Is the property Abstract or Torrens (to verify this call the Anoka County Office at (763) 323-5400 with the property PIN number)

Abstract _____ Torrens _____

Description of Request _____

Section of Ordinance _____ Current Zoning _____

The following information shall be submitted prior to review by the City of Andover:

1. Complete application and fee
2. A letter addressing the review criteria of City Code 12-14-7.
3. Scaled drawing showing the following:
 - a. Scale
 - b. North arrow
 - c. Dimensions of the property and structures
 - d. Front, side, and rear yard building setbacks
 - e. Drainage and utility easements
 - f. Adjacent streets
 - g. Proposed property improvements for variance request

- | | |
|-----------------------------------|----------|
| 4. Application Fee: Single Family | \$150.00 |
| Other Requests | \$125.00 |

Date Paid _____ Receipt # _____

12-14-7: **VARIANCES:**

- A. **Variations Authorized:** The City Council, as authorized by Minn. Stat. 462.354 subdivision 2, and Minn. Stat. 462.357, subdivision 6, shall have the authority to hear requests for variations from the requirements of the zoning ordinance and other sections of the City Code where variations are authorized, including restrictions placed on nonconformities. (Amended Ord. 407, 6-21-11)
- B. **Review Criteria:**
1. Variations shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variations are consistent with the comprehensive plan. (Amended Ord. 407, 6-21-11)
 2. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means:
 - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
 - c. The variance, if granted, will not alter the essential character of the locality;
 - d. Economic considerations alone do not constitute practical difficulties. (Amended Ord. 407, 6-21-11)
- C. **Conditions Authorized:** The City Council may impose conditions in the granting of variations. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended Ord. 407, 6-21-11)
- D. **Specific Variations Authorized:** No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located, except as follows: (Amended Ord. 407, 6-21-11)
1. Variations shall be granted for earth sheltered construction as defined in Minn. Stat. 216C.06, subdivision 14, when in harmony with the official controls. (Amended Ord. 407, 6-21-11)
 2. Variations may be granted for the temporary use of a one family dwelling as a two family dwelling. (Amended Ord. 407, 6-21-11)

E. Procedure: The procedure for granting variances is as follows:

1. Request For Variance; Fee: A person desiring a variance shall fill out and submit to the Community Development Director a request for variance application form together with a fee as set forth by ordinance¹. (Amended Ord. 407, 6-21-11)

2. Planning and Zoning Commission Review: A public hearing shall be held by the Planning and Zoning Commission as provided in City Code 12-14-8. The Planning Commission shall make a recommendation to the City Council based upon the provisions of City Code 12-14-7. (Amended Ord. 407, 6-21-11)

3. City Council Action: The City Council may grant the variance based upon the provisions of City Code 12-14-7. (Amended Ord. 407, 6-21-11)

4. Appeals: The petitioner, if appealing an interpretation of this title by an employee of the city which would require him/her to obtain a variance, shall have the fee refunded if his/her appeal is upheld by the City Council.

5. Emergency Variance Requests: The City Council may waive Planning and Zoning Commission review and take immediate action on emergency variance requests that affect the immediate health, safety and welfare of the citizens of Andover or if time constraints present severe hardship to the applicant. The applicant is required to show the immediacy of the issue and the potential health, safety or welfare threat. The City Council shall determine if the request warrants immediate review. (Amended Ord. 407, 6-21-11)

6. Time Limit On Implementing Variance: If the City Council determines that no significant progress has been made in the first twelve (12) months after the approval of the variance, the variance will be null and void. (Amended Ord. 8, 10-21-1970)

Res. 179-91 (11-05-91)

Rev. 1-07-92:d'A

5-23-94:bh

1-07-97:bh

5-13-02:jma

1-02-04:blh

8-05-11 cb
