

City staff use only:  
 Project #: \_\_\_\_\_  
 Submitted by: \_\_\_\_\_  
 60 Days: \_\_\_\_\_



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

|  |             |                        |  |
|--|-------------|------------------------|--|
| <b>Site Address:</b>   |             |                        |  |
|  |             |                        |  |
| <b>Legal Description of the Property:</b> (if legal is metes and bounds, please attach a separate page)  |             |                        |  |
| <b>Lot:</b>  |             | <b>Block:</b>          |  |
| <b>Addition:</b>   |             |                        |  |
| <b>PIN:</b>  |             |                        |  |
| <b>Is the property Abstract:</b> <input type="checkbox"/> <b>or Torrens:</b> <input type="checkbox"/><br><i>(to verify call the Anoka County Assessor's Office at (763) 323-5400 with the property PIN number)</i> |             |                        |  |
| <b>Description of the Request:</b>   |             |                        |  |
|  |             |                        |  |
|  |             |                        |  |
| <b>Section of Ordinance:</b>   |             | <b>Current Zoning:</b> |  |
|  |             |                        |  |
| <b>Applicant:</b>  |             |                        |  |
| Applicant _____  |             | Phone _____            |  |
| Contact Person _____   |             | Phone _____            |  |
| Address _____  |             | Email _____            |  |
| City _____   | State _____ | Zip _____              |  |
| <b>Property Owner (Fee Owner) If different than applicant:</b>   |             |                        |  |
| Property Owner : _____   |             | Phone _____            |  |
| Address _____  |             | Email _____            |  |
| City _____   | State _____ | Zip _____              |  |
| Signature _____  |             | Date _____             |  |
| <b>Please note: If the <u>property owner</u> has not signed the application, the application is incomplete.</b>  |             |                        |  |
| <b>The following section is for City staff use only:</b>   |             |                        |  |
| Fee Paid _____   |             | Date Paid _____        |  |
|  |             | Receipt No. _____      |  |
| Submittal date: _____  |             | 60 Day date: _____     |  |
|  |             | 120 Day date: _____    |  |

**FEES AND APPLICANT ACKNOWLEDGEMENT**

**Variance Application Fees:** Application fees cover such costs as review by the Andover Review Committee, attorney, site inspections, etc. Additional PUD escrow fees may be required as the development proceeds toward completion.

| <b>Fees</b>   |                 |
|---|-----------------|
| <b>1. <u>The following fees shall be paid upon submittal of the application:</u></b>  |                 |
| <u>FEE DESCRIPTION</u>  | <u>AMOUNT</u>   |
| a. <b>Application Fee</b>   | \$ 400.00       |
| b. <b>Recording Fee</b>   | \$ 100.00       |
| c. <b>Public Notification Sign</b>  | \$ 30.00        |
| <br>  |                 |
| <b>Total Application Fee</b>  | <b>\$ _____</b> |
| <b>Applicant Acknowledgement</b> <i>(please sign in the space provided below)</i>   |                 |
| <p>I hereby submit this Rezoning Application and declare <b><u>THAT THE INFORMATION AND MATERIAL SUBMITTED WITH THIS APPLICATION IS COMPLETE AND ACCURATE</u></b> per City Ordinances and policy requirements.</p> <p>I understand that <b><u>ONLY COMPLETE APPLICATIONS AND FEES</u></b> will be accepted and forwarded to the City Council for approval or disapproval. I understand that the application will be processed in sequence with respect to other submittals.</p> |                 |
| _____   | _____           |
| Applicant's Signature   | Date            |

**REQUIRED APPLICATION MATERIALS**

| <b>Required Application Materials:</b>  |
|---|
| <i>Applicants will be informed of application completeness within 15 business days of submittal</i>   |
| <b>The following information shall be submitted prior to review by the City of Andover:</b>   |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> A complete application and fees paid.</li> <li><input type="checkbox"/> A written narrative addressing the review criteria of City Code 12-15-9.</li> <li><input type="checkbox"/> A Scaled Site Plan or Certified Survey of the property and structures affected showing:               <ul style="list-style-type: none"> <li><input type="checkbox"/> Scale</li> <li><input type="checkbox"/> North arrow</li> <li><input type="checkbox"/> Dimensions of the property and structures</li> <li><input type="checkbox"/> Front, side, and rear yard building setbacks</li> <li><input type="checkbox"/> Drainage and utility easements</li> <li><input type="checkbox"/> Adjacent streets</li> <li><input type="checkbox"/> Proposed property improvements for the variance request.</li> </ul> </li> </ul> |
| Other information as required to review the request.  |

*Note: The following is information that all applicants should read and understand.*

12-15-9:       **VARIANCES:**

- A.     Variances 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 variances from the requirements of the zoning ordinance and other sections of the City Code where variances are authorized, including restrictions placed on nonconformities. (Amended Ord. 407, 6-21-11)
- B.     Review Criteria:
1.     Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. (Amended Ord. 407, 6-21-11)
  2.     Variances 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 variances. 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 Variances 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.     Variances 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.     Variances 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 ordinance<sup>1</sup>. (Amended Ord. 407, 6-21-11)

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<sup>1</sup> See subsection 1-7-3 of this code.

2. **Planning and Zoning Commission Review:** A public hearing shall be held by the Planning and Zoning Commission as provided in City Code 12-15-3. The Planning Commission shall make a recommendation to the City Council based upon the provisions of City Code 12-15-9. (Amended Ord. 407, 6-21-11)
3. **City Council Action:** The City Council may grant the variance based upon the provisions of City Code 12-15-9. (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.