

Land Use Variances

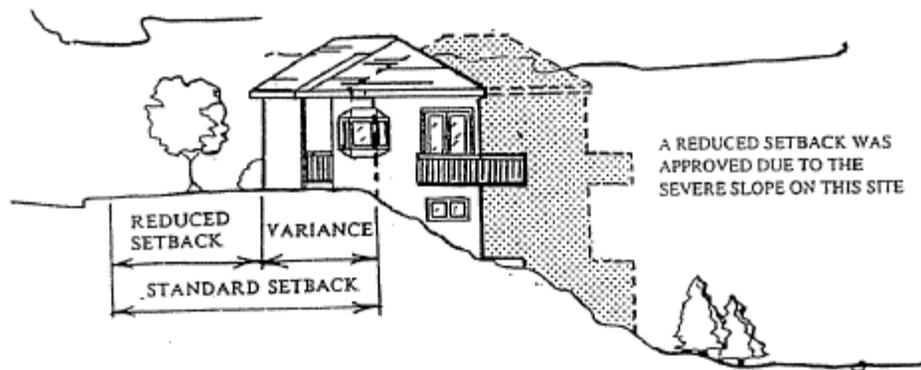


Application Process Summary

What is a Variance?

A variance is an exception granted by the Planning Commission or the City Council from the literal provisions of the zoning ordinance. Variances can be considered where there are unique conditions of a property that do not apply to other areas in general.

Simply put, a variance is a deviation from zoning requirements. In Minnesota, variances may only be granted relating to *physical attributes* of a property (e.g., setbacks, lot size, structure height, etc.). "Use variances" to allow a specific type of activity to take place on a property are not allowed. Instead, changing the use of a property from what is currently allowed requires a Text Amendment, which is applicable to all properties in the same zoning district. A Variance applies only to a specific property.



The Planning Commission in Fridley is given the power to review—and in some cases, approve—variance requests. Minnesota state statutes and Fridley City Ordinance give the Planning Commission the following responsibilities:

1. To hear variance requests where strict enforcement of the code would cause **practical difficulties** as defined by law, and to grant variance requests when it is shown that granting the variance is in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan.
2. To hear and decide appeals where it is claimed that there is a mistake in any order, requirement, decision, or determination made by a City Official enforcing the zoning ordinance.

Variances are only permitted when they are in harmony with the general purposes and intent of the zoning ordinance and when consistent with the comprehensive plan.

The Planning Commission may grant final approval for variances in areas zoned R-1 (One Family Dwelling District) and S-1 (Hyde Park Neighborhood District) when there are no objections to the variance from members of the Planning Commission, city staff, the general public responding to the public hearing notice, or the petitioner. If there are objections raised at the Planning Commission meeting, or if the variance is for a property in a different zoning district, the variance request will be decided by the City Council.

Variances require the applicant to establish that there are practical difficulties in complying with the official control (i.e., zoning ordinance).

What are “practical difficulties”?

Per Minnesota law, “practical difficulties” as used in connection with the granting of a variance means:

1. The property owner proposes to use the property in a **reasonable manner** not permitted by the zoning ordinance.
2. The plight of the landowner is due to circumstances **unique to the property** not created by the landowner.
3. The variance, if granted, will **not alter the essential character** of the locality.

Economic considerations alone do not constitute a practical difficulty if reasonable use of the property exists under the requirements of the code. The applicant should review all possible alternatives which would meet the code requirements prior to applying for a variance. If the applicant determines that sufficient practical difficulties exist, then a Variance Application may be submitted to the City of Fridley with the other necessary submittal items

What is the application process?

Those interested in pursuing a variance are encouraged to speak with staff in the Planning Department prior to filing an application. Staff can help identify any potential concerns or challenges with the proposed variance before an official application is made.

The formal Variance process begins by filling out a VARIANCE APPLICATION. Beginning in 2022, applications will be accepted online. A complete application, along with the necessary fee(s) and submittal requirements listed in this handout must be submitted. Fees are non-refundable and are used for postage, publication of notices, and other expenses associated with processing the request.

State Statute 15.99 gives cities 15 business days to review land use items, such as a Variance request, to determine if the application is complete. If your application is considered incomplete, staff will return it to you for completion. If your application is considered complete,

you will be notified in writing. This notice will include the date of the anticipated Planning Commission and City Council meeting where your request will be considered. State statute also requires that the City approve or deny a land use application within 60 days of receiving a complete application, unless an additional 60 day extension is granted.

Once the application is received, the application is reviewed by staff from the Planning, Engineering, Assessing, Fire, and Police Departments and other affected stakeholder agencies. The impacts to adjacent properties are discussed and, if necessary, stipulations for approval are developed.

Notice of the request is sent by the City to those property owners within 350 ft of the property. In order to meet public notice requirements, there are approximately four weeks between the application due date and the Planning Commission meeting.

Prior to the Planning Commission meeting, a staff report including staff recommendation is prepared. Recommended stipulations of approval are frequently included. The staff report is presented to the Planning Commission to review at a regularly-scheduled meeting.

The Planning Commission is made up of five residents of the community. The meetings are held the 3rd Wednesday of the month at 7:00 p.m. in the City Council Chambers at the Municipal Center. The Planning Commission has the authority to make the final decision regarding residential variance requests in the R-1 or S-1 zoning district if there are no neighborhood objections and if the approving motion is passed unanimously. If there is anyone opposed to the issuance of the variance, a residential variance application is also reviewed by the City Council. All commercial, industrial, and sign variances must be approved by the City Council following review by the Planning Commission.

Once a decision has been made either by the Planning Commission or the City Council, the City will mail the petitioner a letter stating the outcome of the request, including the corresponding stipulations of approval or the findings of fact if the request has been denied.

Additional information regarding the variance process may be obtained by contacting the City of Fridley Planning Department at planningdivision@fridleymn.gov or 763-572-3595 or 763-572-3599.

What are the application requirements?

The following information is needed to process a variance application. Beginning in 2022, applications will be accepted online. Online applications can be filled out at any time but can only be submitted on pre-determined application dates.

- Property information
 - Street address
 - Anoka County Property Identification Number (PIN)
 - Legal description
 - Current zoning
 - Square footage of property
- Reason for variance
 - A brief one-sentence summary
 - A full narrative demonstrating
 - Practical difficulties requiring a variance
 - Alternatives considered
- Petitioner (applicant) information
 - Name of individual and/or company
 - Mailing address
 - Phone number
 - Email address
 - Signature authorizing application
- Property owner information (if different from petitioner)
 - Name
 - Signature authorizing application
- Application fee
 - \$1,400 for Commercial / Industrial / Multi-Family & Sign variances
 - \$500 for 1-Family Residential variances

File information for online applications:

- Maximum file size for uploads is 25 MB.
- As possible, **please submit drawings as native PDF files (not scans).**
- Narrative/text files and other documents may be Word, PDF, or image files.

VARIANCE APPLICATION SUBMISSION CHECKLIST

The following shall be the minimum submission requirements when submitting a Variance application. Applications will not be accepted if the following requirements are NOT submitted.

1-Family Residential	Commercial / Industrial / Multi-family	Sign	Submission requirements	Submitted	Complete	Reviewer Initials
x	x	x	Completed application, with fee. (Applications are considered complete if all blanks are completed, attachments are provided, and both the fee owner and petitioner have signed the application.)			
x	x	For free-standing signs	To-scale certificate of survey, by a licensed surveyor. Showing north arrow, existing and proposed structures, legal description, adjacent street names, and buildings on adjacent lots within 10 feet of the common lot lines.			
	x		To-scale site plan, showing building square footage, code-compliant building and parking setbacks, lot coverage, and parking calculations			
x	x	For wall signs	To-scale elevation of building and description of materials to be used on the building. For Wall Sign variances, include sign sizes & location(s).			
x	x		Narrative of proposed use of the building.			
x	x		Detailed narrative with statutorily defined practical difficulties statement. (See explanation of "practical difficulties" in this packet)			
	x		Code compliant landscape plan for all projects requiring a parking lot expansion of four (4) or more parking stalls.			
			For those projects that will require a change in utilities, grading or drainage, the following items will need to be submitted:			
	x		<ul style="list-style-type: none"> Grading and drainage plan 			
	x		<ul style="list-style-type: none"> Erosion control plan 			
	x		<ul style="list-style-type: none"> Calculations for stormwater runoff 			
	x		<ul style="list-style-type: none"> Calculations for excavation and/or fill 			
	x		<ul style="list-style-type: none"> Utility Map: Water, Sewer, and Storm (if item does not exist, note on plan) 			
		x	To-scale drawing of the proposed sign.			
\$500	\$1,400	\$1,400	Application Fee			