



Variance

A variance is a modification or change from the requirements in the zoning code. It allows a property owner to complete a construction project without meeting the code requirements such as exceeding the size of accessory buildings allowed or reducing the building distance to property lines. The process includes a public hearing at the Planning Commission and final approval at a City Council meeting.

Criteria for Approving a Variance

1. The proposed variance is in harmony with the general purpose and intent of the zoning ordinance; and
2. The proposed variance is consistent with the comprehensive plan;
3. The property owner proposes to use the property in a reasonable manner not permitted by the ordinance
4. The plight of the owner is due to physical circumstances unique to the property and not created by the owner
5. If granted, the variance will not alter the essential character of the area

To be granted a variance, the applicant **MUST** demonstrate the application of the zoning code would cause practical difficulties. Economic considerations along (or desire to increase the value or income of the land) shall not constitute practical difficulties if reasonable use of the property exists under the ordinance standards.

Practical difficulties means:

1. That the property owner proposes to use the property in a reasonable manner not permitted by this ordinance; and
2. That the plight of the landowner is due to circumstances unique to the property not created by the landowner (ex: lot shape, topography, etc.); and
3. The proposed variance, if granted, will not alter the essential character of the locality
4. Inadequate access to direct solar energy systems

Variances will not be approved that would allow any use that is not allowed in the zoning district in which the property is located.

Information Required for a Variance

- Planning and Zoning Application
- Evidence of Ownership or an Interest in the Property
- Required Fee (non-refundable)
- Dimensioned Site Plan with Structures Identified
- Letter Explaining Your Request and Reasons for Applying
- Electronic plans may be required as directed by staff
- Other necessary information as required by the Community Development Department

Process for Approving a Variance

- Step 1: Meet with the Community Development Department to go over the variance request and discuss the practical difficulties
- Step 2: Applicant submits application, fee, and required information (see list above).
- Step 3: Staff will review the submission and make a determination of whether the application is complete. Staff has 15 days to determine if additional information is needed and will send a letter to the applicant requesting the documents be submitted. If an application is deemed incomplete, the 60 day time limit (beginning the day the application is submitted) for the City to approve or deny the application will stop. The 60 day time period may be extended an additional 60 days if the City provides written notice of the extension to the Applicant before the initial review period ends.
- Step 4: Once a complete application has been received, the Community Development Department will send the request to all relevant review agencies for comment. Agencies include the city engineer, fire chief, police chief, county and state transportation departments, building official, etc.
- Step 5: Staff will prepare a report of the request and place the item on the next available Planning Commission meeting. Applications must be received 39 days before the meeting to provide time for agency review.
- Step 6: Public hearing notices are mailed to all property owners within 350 feet of the property in question by the Community Development Department and published in the Anoka County Union 10 days prior to the meeting.
- Step 7: The Applicant or their representative attends the Planning Commission public hearing. The Planning Commission shall consider if the proposed use is consistent with the general purpose and intent of the Zoning Ordinance and Comprehensive Plan. They will measure the request against the criteria stated above. The Commission will hear testimony from anyone wishing to speak for or against the request. At this time the Applicant or their representative should speak to their request.
- Step 8: The Planning Commission recommendation of approval, denial, or approval with conditions will be forwarded to the next available City Council meeting. Conditions of approval may be attached to mitigate any negative effects the variance may have. Conditions that are added must bear rough proportionality to the impact created by granting the variance.
- Step 9: The City Council will consider the application, staff report, and Planning Commission recommendation and make a final decision of approval, denial, or approval with conditions.
- Step 10: If approved, the resolution will be published in the Anoka County Union. Ten days after the approval by the City Council, the Applicant may proceed with the proposed work after all necessary building permits and conditions of approval have been completed.

Meetings

As noted above, there are two required meetings for a variance. The first is the Planning Commission, a seven member appointed board of community residents. Meetings are held the first Tuesday of the month at 7:00 pm in the Council Chambers at City Hall. Following this meeting, the request will be heard by the City Council at their meeting on the third Monday of the month at 7:00 pm and make a final decision.

Expiration of a Variance

Any variance granted by the City is tied to the property, not the owner. A variance will expire however if no building permit has been issued or substantial work performed on the project within one (1) year of approval. The applicant may ask for an extension in writing provided the reasons why it is necessary prior to the expiration of the variance. The Planning Commission shall make a recommendation to the City Council, who may extend the deadline if they find the interests of owners of neighboring properties will not be adversely affected by the extension. Once the variance is utilized as approved, it becomes perpetual.

Additional information can be obtained by calling the City of Anoka Planning Department at 763-576-2720.