

# VARIANCE APPLICATION

Our Zoning Ordinance is the mechanism through which we encourage the most appropriate uses of our lands, protect the rural character of our community and its natural resources and help to ensure a sustainable community for future generations.

## Instructions:

1. Review the Zoning Ordinance to determine the zoning requirements for your parcel. The entire ordinance can be accessed on our Township web site at [www.duluthtownship.org](http://www.duluthtownship.org). A printed copy may be obtained via the web site, or you may purchase a copy at the Town Hall, 6092 Homestead Road, Duluth, MN 55804.
2. Complete the application. You need to supply all required information. Incomplete, inaccurate, or invalid applications will be returned to you.
3. A check must accompany your application in order for us to start processing it. The fee schedule is posted on the Web site and at the Town Hall.
4. An application must be signed by the property owner(s) and dated.
5. In the event that a person other than the owner wishes to apply for a variance on a particular parcel, the owner(s) must consent to the application and sign as a co-applicant.
6. If the variance is granted, there will be a \$46 recording fee.

**We are happy to help you and answer any questions you may have.  
Please contact us at 218.525.5705.**

## OWNER (S) SIGNATURE:

\_\_\_\_\_

Date: \_\_\_\_\_

## CO-APPLICANT (IF APPLICABLE)

\_\_\_\_\_

Date: \_\_\_\_\_

**SECTION I: APPLICANT INFORMATION**

DATE \_\_\_\_\_

| Owner's Name                         | Mailing Address |  | Owner        |    |
|--------------------------------------|-----------------|--|--------------|----|
|                                      |                 |  | Yes          | No |
| Phone - Home                         | Phone - Work    |  | Phone - Cell |    |
|                                      |                 |  |              |    |
| E-mail Address:                      |                 |  |              |    |
|                                      |                 |  |              |    |
| Name, if not owner<br>(Relationship) | Address         |  | Phone        |    |
|                                      |                 |  |              |    |

**SECTION II: PROPERTY INFORMATION**

| Address of Property | Zone District | Parcel Code* | Ownership |         |        |
|---------------------|---------------|--------------|-----------|---------|--------|
|                     |               |              | Public    | Private | Rental |
|                     |               |              |           |         |        |

\* Parcel code can be found on your tax statement. If none has yet been assigned, obtain the universal number for a newly platted parcel from St. Louis County.

**SECTION III. LEGAL DESCRIPTION OF PROPERTY**

The legal description can be obtained from your deed or tax statement.

| Township | Range | Section | Subdivision | Block | Lot |
|----------|-------|---------|-------------|-------|-----|
|          |       |         |             |       |     |

**SECTION IV. EXISTING LAND USE**

*(Check one that applies)*

| Residential | Commercial | Industrial | Agricultural | Home Business | Home Occupation | Other (Describe) |
|-------------|------------|------------|--------------|---------------|-----------------|------------------|
|             |            |            |              |               |                 |                  |

**SECTION V: VARIANCE REQUEST**

**State what you are specifically asking a variance from in the Ordinance.**

(Use additional sheets if necessary)

**SECTION VI. PROPOSED STRUCTURE OR MODIFICATION TO EXISTING STRUCTURE**

**Insert a “V” and the proposed dimension for the item on which you are requesting a variance**

|                                  | Road Centerline To Front of Building (Ft.) | Furthest side yard (Ft.) | Nearest side yard (Ft.) | Rear yard line From back building line to back of structure (Ft.) | Building to Stream or Lake (Ft.) | Lot Size (Ac) | Impervious Surface Lot Coverage (%) |
|----------------------------------|--|--------------------------|-------------------------|---|----------------------------------|---------------|-------------------------------------|
| <b>Required by Zone District</b> |  |                          |                         |   |                                  |               |                                     |
| <b>Actual</b>                    |  |                          |                         |   |                                  |               |                                     |

**SECTION VII. DETAILED SKETCH**

If you wish, use the attached page to provide a detailed sketch of your property. Or, provide your own.

A detailed sketch with measurements showing dimensions of lot, structures, driveways, septic mounds, other disturbed surfaces, wetlands, streams, and lakes must be shown.

In addition, display all setback requirements for the existing structures and the proposed construction.

## **SECTION VIII. REASONS FOR THE VARIANCE**

The Planning Commission shall always act with due consideration to promote the public health, safety, and welfare, encourage the most appropriate use of land and conserve property value, and shall permit no structure, building or use detrimental to a neighborhood.

When in the opinion of the Planning Commission a variance may result in a material adverse effect on the environment, the appellant may be required by the Planning Commission to demonstrate the nature and extent of the effect.

A variance from the terms of the Ordinance must show that:

- 1.** Variances shall only be permitted
  - a.** When they are in harmony with the general purposes and intent of the Ordinance, and
  - b.** When the variances are consistent with the comprehensive plan.
  
- 2.** Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that
  - a.** The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - b.** The plight of the property owner is due to circumstances unique to the property not created by the property owner; and
  - c.** The variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
  
- 4.** Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes section 216C.06, subdivision 14, when in harmony with the Ordinance.
  
- 5.** The Planning Commission may not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zone where the affected person's land is located.
  
- 6.** The Planning Commission may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
  
- 7.** The Planning Commission 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

The following tables list criteria which must be met in order to be granted a variance. Please fill in the table answering each criteria as to the reasons you should be granted a variance.

**Criteria For a Variance: Please answer the following questions.**

1. Variances shall only be permitted
- a. When they are in harmony with the general purposes and intent of the Ordinance, and
  - b. When the variances are consistent with the comprehensive plan.

***Please explain how your proposed variance meets these criteria.***

(Use additional sheets if necessary)

2. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that
- a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - b. The plight of the property owner is due to circumstances unique to the property not created by the property owner; and
  - c. The variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

***Please explain how your proposed variance meets these criteria.***

(Use additional sheets if necessary)

**3. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes section 216C.06, subdivision 14, when in harmony with the Ordinance.**

***If applicable, does proposed variance meets these criteria.***

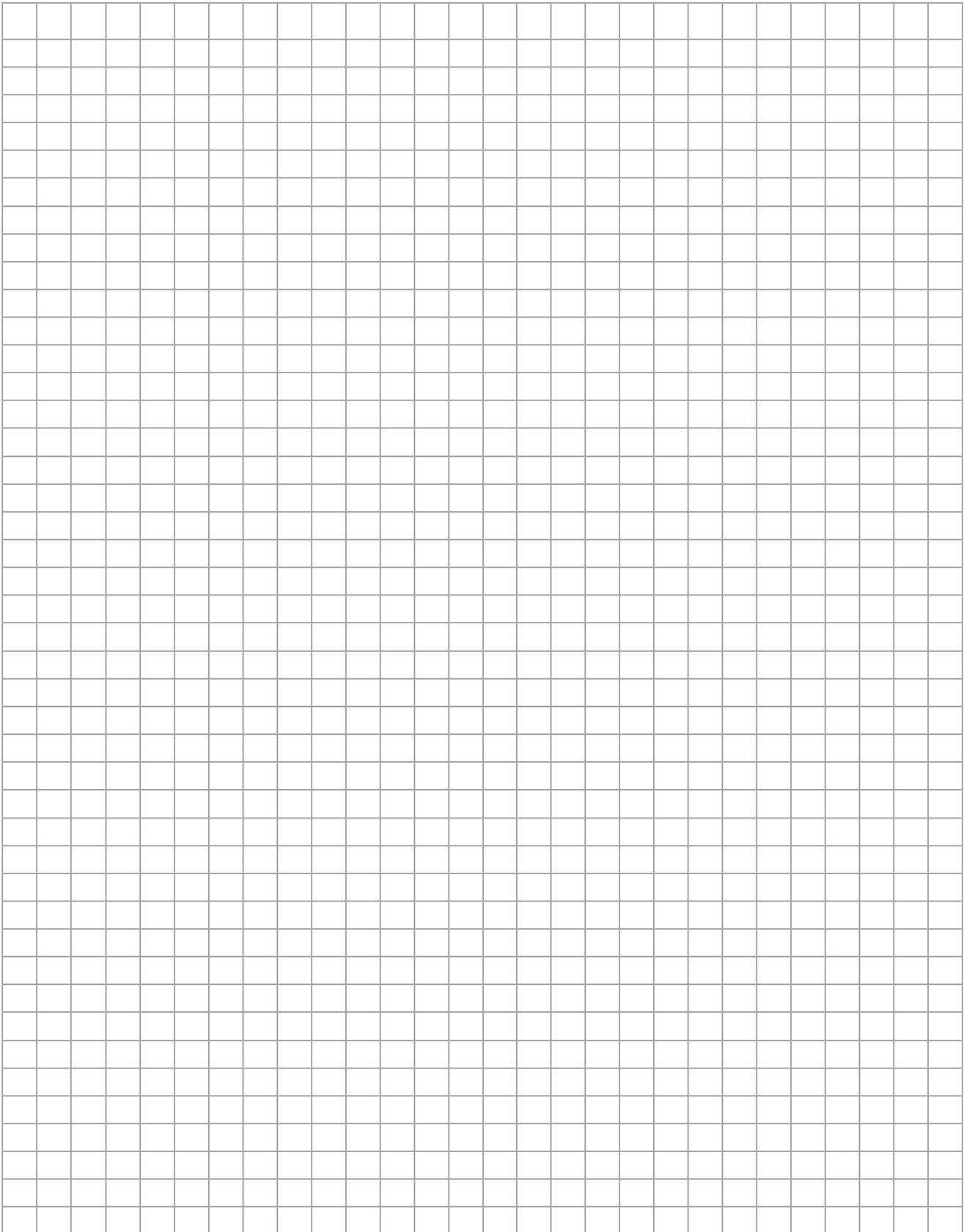
(Use additional sheets if necessary)

**4. The Planning Commission may not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zone where the affected person's land is located**

***Is proposed variance a use that is allowed under the Zoning Ordinance***

(Use additional sheets if necessary)

**SKETCH**



**FOR OFFICE USE**

| <i>Application Received By</i> | <i>Date</i> | <i>Fee Amount Received</i> | <i>Check Number</i> | <i>Information Not Complete Letter Sent to Applicant Date</i> | <i>Decision Made</i> | <i>Applicant Notified of Decision</i> | <i>Variance Fee Received Date and Check Number</i> | <i>Variance Recorded Date</i> |
|--------------------------------|-------------|----------------------------|---------------------|---|----------------------|---------------------------------------|--|-------------------------------|
|                                |             |                            |                     |   |                      |                                       |  |                               |
| <i>Owners Name</i>             |             |                            |                     | <i>Mailing Address</i>  |                      |                                       |  |                               |
|                                |             |                            |                     |   |                      |                                       |  |                               |
| <i>Co-Applicant, If any.</i>   |             |                            |                     | <i>Mailing Address</i>  |                      |                                       |  |                               |
|                                |             |                            |                     |   |                      |                                       |  |                               |