



Variance Application

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Lakeland, MN 55043

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The following is a list of procedures and documentation required for your variance application with the City of Lakeland. Your submitted application will be reviewed by appropriate staff to determine whether additional information is needed. When the application is complete, three weeks are required to process notice of public hearing. Public hearing is usually conducted by the Planning Commission at the regularly-scheduled meeting on the first Tuesday of the month; and the Planning Commission forwards recommendation to the City Council for final review and decision the third Tuesday of the month.

Information and materials required at the time of application:

- Completed application (obtained from City Hall)
- \$400.00 filing fee and \$800.00 escrow funds.
- Mailing labels (obtained from the County Surveyor's office) with names and addresses of record owners of all property located within a minimum of 500 feet of all contiguous property owned by the Applicant.
- Certified and dated survey plan of property including any adjacent streets/alleys (no preliminary copies subject to revision)
- A scaled site plan which includes dimensions/distances of the following:
 1. All structures and/or proposed structures
 2. All septic, drain fields, and back up drain fields existing and/or proposed
 3. All wells, cisterns, etc.
 4. All other utilities
 5. Distances between items #1 through #4
 6. Distances of items #1 through #4 in relation to the property lines
 7. If this is a side or rear yard setback, provide locations of items #1 through #4 of adjacent property, if they are located within the following distances of the property line:
 - a. R-1 zone: side yard/20 feet and rear yard/50 feet
 - b. R-2 & R-3: side yard/10 feet and rear yard 30/feet

This plan should be provided in two sets of full size and 15 sets of 11" by 17" size for distribution.

- Construction plans (draft or professional quality dependent on each individual project)
- Total square footage of proposed impervious surface for the lot. (This includes all structures, driveways, parking, etc. Gravel is considered impervious.)
- Screening plan
- Fencing plan
- Provisions/plan for potential future municipal water hook-up. This is applicable if you are not currently connected to municipal water. The plan is required for those who are currently on well water in case of some unforeseen reason it was necessary or desired to utilize municipal water utilities.
- Drainage and erosion plan, including impervious calculations
- Detailed description of proposed use
- Narrative of applicant's reason for proposal, including explanation of practical difficulties

Address in your application all of the items listed above. If for example, no fencing is proposed/involved, note 'not applicable' on the application. In some circumstances, further information may be required. Applications will be reviewed by staff after they have been submitted. You will be notified when your application is determined to be complete and the public hearing process can begin.

It is the responsibility of the applicant to determine whether additional permits are necessary from the Minnesota Department of Natural Resources and/or the Army Corps of Engineers for a project.

A submitted application is reviewed by City staff, and public hearing is scheduled when review is complete and the application has been formally accepted.

Please contact City Hall if you have any questions.

Practical Difficulties

The law requires applications meet the three-factor practical difficulties test as follows:

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line, or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land, and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

In addition, State statute provides variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. So, in addition to the three-factor practical difficulties test, a city evaluating a variance application should make findings as to (1) whether or not the variance is in harmony with the purposes and intent of the ordinance, and (2) whether or not the variance is consistent with the comprehensive plan.
