

IN RE: THE APPLICATION FOR ZONING VARIANCE

APPLICANT: _____

LOCATED: _____

City of Luverne, MN. 5615

APPLICANT'S EMAIL: _____

APPLICANT'S PHONE: _____

Legally described as follows, to wit:

The above-referenced matter came before the Board of Appeals and Adjustments. In accordance with State Law and City ordinance, a duly noticed public hearing was scheduled for: _____

Attach a list of all adjoining property owners and mailing addresses located within 200 feet of all property lines (obtain from Beacon).

Include address of applicant or other party that will represent the request at the hearing.

If this variance is granted the Formal Findings and order must be recorded in the County Recorder's Office or the variance is not valid. The recorded copy must be returned to the City.

I certify that all the information submitted in this application is true and correct and that I have full authority to apply for this variance.

Signature of Applicant

State of Minnesota
County of Rock
City of Luverne

This instrument was acknowledged before me on _____, 20____ by _____, of _____.

Notary Public's Signature

IMPORTANT: Applicant must complete pages 1, 3 and 4 completely before the application will be considered.

City Code, Section 11.24, Subd. 3, requires that the Board of Appeals and Adjustments shall not grant a variance unless it finds the following facts after evidence is submitted by the applicant to exist:

A. A variance shall be permitted only if the applicant establishes "practical difficulty" in complying with the code, and that the variance is in harmony with the general purpose of this Chapter and consistent with the comprehensive plan. In its consideration of the standards of practical difficulties, the Board of Zoning Appeals and Adjustments must make the findings of fact, as follows:

1. The property in question cannot be put to a reasonable use if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and
2. The plight of the landowner is due to circumstances unique to the property that are not normally applicable to landholdings within the same district and that were not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the neighborhood and locality.

B. A variance shall be granted only if the evidence, in the judgment of the Board of Appeals and Adjustments, satisfies the conditions enumerated in subparagraph A above. Variances from the provisions of this Chapter shall be granted by the Board of Appeals and Adjustments only in accordance with the

provisions of this section. The Board of Appeals and Adjustments may not permit, as a variance, any use that is not allowed under the code for property in the zone where the affected property is located.

C. Specific conditions and safeguards may be imposed upon the premises benefited by the granting of the variance. A condition must directly be related to and must bear a rough proportionality to the impact created by the variance. Violations of such conditions and safeguards shall constitute a violation of this Chapter.

D. No variance permitting the erection or alteration of a building shall be valid for a period longer than one year unless a building permit for such erection or alteration so issued and construction is actually begun within that period and is thereafter diligently pursued to completion.

VARIANCE APPLICATION ADDENDUM

To grant a variance, the City must make certain finding (see attached portion of City Code). The applicant must submit evidence supporting the following:

1) Without the variance, the property cannot be put to a reasonable use.
Why?-Reasons.

2) The circumstances requiring the variance are unique to the property (not normal to the zoning district or neighborhood) and were not created by the owner.
Why?-Reasons.

3) The variance will not alter harm the character of the neighborhood.
Why?-Reasons.

The applicant should be prepared to attend the public hearing and further justify the variance, answer questions, etc. It is the duty of the applicant to justify reasons and give evidence in support of granting the variance. It is not the City's responsibility to prove why the variance should or should not be granted.

This application, if granted, would vary the requirements set forth in Luverne City Code;

Chapter _____, Section _____

Current code requires that;

The variance would allow;

Chapter _____, Section _____

Current code requires that;

The variance would allow;

Based upon the foregoing data, the information contained on the application for a variance, and the observations and other information known to the Board of Appeals and Adjustments, the Board hereby finds and declares, in accordance with the requirements of the City Code, the following facts and conditions to exist:

INITIAL FINDINGS OF FACTS AND CONDITIONS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Considerations:

- Is the variance request in harmony with the purpose of the requirements in the code?
- Is the variance consistent with the comprehensive plan?
- Will the variance put the property to use in a reasonable manner?
- Are the unique circumstances to the property not created by the applicant?
- Will the variance, if granted, alter the essential character of the locality?

ORDER

The Board specifically finds that based upon the aforementioned facts, it is in the best interests of the City and its residents that the herein-referred to zoning variance be

ADOPTED BY THE BOARD OF APPEALS AND ADJUSTMENTS:

This: ____ day of _____, 20__.

Caroline Thorson, Chairperson

ATTEST: _____
John Call, City Administrator

State of Minnesota
County of Rock
City of Luverne

This instrument was acknowledged before me on _____, 20__ by
_____, of _____, and
_____, of _____, on behalf of said
Municipal Corporation.

Notary Public's Signature

Any additional information regarding this proceeding is available and on file in the office of the City Administrator.

Application received: _____ By: _____

Fee: \$350.00 Date paid: _____ Rec. by: _____

Date of public notice: _____

By: Rock County Star Herald

Date of hearing: _____ Date final decision: _____

Date applicant notified of action: _____