

VARIANCE APPLICATION PROCEDURES

SECTION 151.033

CITY OF HECTOR, MINNESOTA

APPLICATION FEE: **\$200** – Includes required legal advertisement, mailing to all property owners within 350 feet, and the filing fee for county recorder. All fees are due at the time of application and are not refundable.

The City Planning Commission may allow a departure from the terms of the zoning regulations pertaining to height or width of structures, the size of setbacks, the number of parking spaces, the size or location of signs where such departure would not be contrary to public interest. A variance may be granted only in instances where their strict enforcement of the zoning code would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning district. **Minnesota Statutes** require that the above conditions, (1) Unique Circumstances of Lot and (2) Undue Hardship, be established before a variance can be granted.

PLEASE NOTE: Inconvenience of the landowner or occupant, self-created situations (including purchase of property); age and/or health problems are not deemed hardship under Minnesota case law.

Economic consideration alone shall not constitute an undue hardship if reasonable use of the property exists under the ordinance.

The statutory test is that the property owner cannot put the property to reasonable use under existing controls, the unique circumstances must exist **and** if the request is granted, the essential character (land-use) of the locality is not changed.

If you have difficulty in determining the above hardship, consider alternatives to your construction plan. **POSSIBLY YOU MAY NOT NEED THIS VARIANCE.**

PROCEDURES:

1. All application requests, including the required scale site plans and information listed on the application form, must be submitted to the City Zoning Administrator on or before the **last** Wednesday of the month. The Zoning Administrator may require the applicant to obtain a certified survey at the time of application.
2. The request is submitted to the Planning Commission. A Public Hearing is set according to Section 151.037 of the Zoning Ordinance.
3. The City Zoning Administrator reviews the application and all submitted information. If the scale site plan or information is deemed insufficient, the applicant will be required to furnish the additional information necessary to properly review the application request.
4. The Zoning Administrator forwards a recommendation for action to the Planning Commission. A copy of this recommendation will be forward to the applicant at the address stated on the application. The Zoning Administrator may recommend to deny, approve, continue, or approve with additional contingencies.

5. The Subsequent month, the Planning Commission holds the public hearing. The Planning Commission meets on the First Monday of each month at 7:00 p.m. in the Community Center, 130 Main Street South. **You are hereby requested to attend the meeting and explain your request.**
6. Within 30 days after the hearing, the Planning Commission renders its decision to the City Council. The City Council may approve, deny, or refer the recommendation back to the Planning Commission. The Council also reserves the right to approve the request and add additional contingencies.
7. A Variance Permit is valid for a period of six (6) months, after which the same shall be revoked in the event that any proposed construction, alteration or operation has not been started in accordance with the terms of such permit.