



# Variance Application Checklist

Variance requests are covered under Section 1310.11 of the Zoning Code. Please note that variances expire one year after approval if the owner or occupant does not substantially complete the erection or alteration of a building or structure as approved. Please provide the following information with your application for a Variance.

**GENERAL REQUIREMENTS:**

**INCLUDED IN SUBMITTAL**

- |   |                          |     |                          |    |
|---|--------------------------|-----|--------------------------|----|
| 1. Application Form, signed by Owner and Applicant  | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 2. Fees   | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 3. Escrow   | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 4. Complete legal description and PID number of all parcels included in the request. The legal descriptions must be copied directly from the deed and provided in a word document.                | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 5. A statement fully describing the request and the Practical Difficulties (see second page)  | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 6. A map, aerial photo or plat showing the parcel in question and all property within five hundred (500) feet of the parcel boundaries.   | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 7. Site Plan  | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| <ul style="list-style-type: none"> <li>• One (1) 11"x17" hard copy and/or one (1) electronic copy. The City may require a larger size plan if needed to adequately review the request.</li> </ul> |                          |     |                          |    |

**Plan Sheet Requirements:**

- Title block
- Name, address, phone number for owner, developer, surveyor, engineer
- Date of preparation and revision dates
- North Arrow
- Graphic scale not less than 1:100

**SITE PLAN REQUIREMENTS - EXISTING AND PROPOSED:**

**INCLUDED IN SUBMITTAL**

- |   |                          |     |                          |    |
|---|--------------------------|-----|--------------------------|----|
| 1. Property lines and dimensions  | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 2. Area in acres and square feet  | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 3. Existing and proposed building locations and dimensions                              | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 4. Existing and proposed setbacks   | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 5. Buildable area and area of site covered by existing and proposed impervious surfaces | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 6. Driveways  | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 7. Septic system and well (if applicable)   | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 8. Vegetation and landscaping (if applicable to the request)                               | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 9. Wetlands (if applicable)  | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 10. Waterbodies and Ordinary High Water Level and 100 year flood elevation (if applicable) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 11. Bluff line (if applicable)   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 12. Additional information relevant to the request   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

**What is a Variance? What are “practical difficulties?”**

A Variance is a modification or variation to the regulations contained in the Zoning Ordinance. The City may only grant variances when they meet the criteria of Minnesota Statutes and the City’s Zoning Ordinance for granting variances. The ordinance states, “The City Council shall only approve a variance when the terms of the variance are consistent with the Comprehensive Plan, when it is in harmony with the general purpose and intent of the Code of Ordinances then in force, and when the strict enforcement of the ordinance would results in practical difficulties with carrying out the strict letter of the ordinance.”

Applicants for a variance need to clearly describe in the application the “practical difficulties” of the site or situation that make it difficult or impossible for the proposed use to meet the ordinance requirements on the site:

“Practical Difficulties” as used in connection with the granting of a Variance means:

- A. The property owner proposes to use the property in a reasonable manner not permitted by an official control. (This means that the proposed use is allowed in the zoning district, but it cannot meet other requirements of the ordinance, such as setbacks.); and
- B. The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
- C. The variance, if granted, will not alter the essential character of the locality (surrounding neighborhood or city).
- D. Economic conditions alone shall not constitute a practical difficulty if a reasonable use for the property exists under the terms of the Zoning Ordinance.
- E. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- F. That the requested variance is the minimum action required to eliminate the practical difficulty.
- G. The City may consider practical difficulties to include inadequate access to direct sunlight for solar energy systems in the granting of the variance.

*City of Newport Zoning Ordinance, Chapter 1, Section 1310.11.*

Circumstances which normally constitute “practical difficulties” relate to lot size, setbacks, steep slopes and wetlands. The circumstances cannot be created by the applicant or landowner, such as a prior subdivision by the owner. The applicant must explain the practical difficulties to the best of his or her ability, and the explanation will be critical information for granting or denying the variance request.