

# Variance Request Application

## Martin County Board of Adjustment

**Application and all supporting documents must be returned by:**

\_\_\_\_\_

Application Number: \_\_\_\_\_  
 Date of Application: \_\_\_\_\_  
 Date Application Completed/Received: \_\_\_\_\_  
**Variance Fee:** \$ 350.00 payable to M.C. Treasurer  
**Recording Fee:** \$ 46.00 payable to M.C. Recorder  
**NO REFUNDS!**

Applicant: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone Number:           H \_\_\_\_\_ W \_\_\_\_\_

Property Owner (if different than Applicant): \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

Property Owner Phone Number:   H \_\_\_\_\_ W \_\_\_\_\_

Property Township and Section: \_\_\_\_\_ Parcel # \_\_\_\_\_

Zoning District of Property:   "A"   "I"   "R-1"   "SL-1"   "SL-2"   "SL-B"   "SL-C"   "HB"

Proposed Activity (identify contractor if applicable):

Reason Variance is Unavoidable (describe the hardship associated with the property):

Setback or Portion of the Zoning Ordinance Affected <small>(example: setback from road)</small>	Distance Required by the Zoning Ordinance <small>(example: 130 feet setback)</small>	Distance Proposed by the Applicant <small>(example: requesting 95 foot)</small>

Applicant and owner, by signing this document, acknowledge and agree to the following:

1. They have received and read the attached papers titled "Information for Public Hearing Applicants" and "Application Process and Instructions"
2. A document will be recorded with the County Recorder upon the property described herein which will state the action taken by the Board on this matter
3. Any variance issued shall be void if not utilized within one year, unless it has been used or a petition for an extension of one year time limit has been granted.
4. **IF the variance is approved, Applicant is required to obtain necessary building permits.**
5. This application is not a complete request pursuant to Minn. Stat. 15.99, and that the applicant hereby agrees to any time extensions necessary for the Board of Adjustment to reach a final decision. If the applicant or owner wishes a guarantee of a final decision within 60 days pursuant to Minn. Stat. 15.99, they must notify the County in writing, and this item will be removed from the agenda until all information required is submitted and complete.

Applicants Signature \_\_\_\_\_ Date \_\_\_\_\_

Owners Signature \_\_\_\_\_ Date \_\_\_\_\_

**A representative must be present at the Board of Adjustment meeting in order to take action**

# Chronology of the Variance Request

	Date
Application Received by Zoning Administrator	
Public Hearing Notice Published/Newspaper	
Public Hearing	
Decision Recorded by Martin County Recorder	

## Martin County Board of Adjustment Action

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the action requested in the foregoing petition was/was not approved. The following conditions, if any, were required:

Additional comments about the Variance Request:

# MARTIN COUNTY BOARD OF ADJUSTMENT

## ~ APPLICATION PROCESS AND INSTRUCTIONS ~

**Please call 507-238-3242 if you have any questions.**

It is **your** responsibility to **read** this application and submit all of the required information. Failure to submit any information or failure to complete a requirement will affect your application.

1. **Discuss your variance request with a staff person; a faxed application may not be accepted.** Mailed application may not be accepted, especially if the required information is not submitted. Meet with staff in person before the application due date to discuss the project. Mailing address: **Martin County Planning & Zoning, Martin County Courthouse, 201 Lake Avenue – Room 104 – Fairmont, MN 56031**
2. **Sign and complete the attached application form. Submit application, hearing/recording fees and necessary site information (described below).** State Law requires that public hearing notices be published and delivered to nearby landowners/residences for all Board of Adjustment actions. For this reason, there is usually a wait of approximately three to four weeks from the date of application to the hearing. Staff cannot legally expedite this process; please refer to hearing.
3. **Adequate site information must accompany application.**
  - A. **Drawing of the property.** Include north indication, property boundaries, dimensions and setbacks of existing and proposed structures, distances between existing and proposed structures, road names, location of structures on adjacent properties, location of proposed or existing septic drainfield and tank, and other descriptive information (trees, easements, power lines, etc.).
  - B. **Survey.** A survey is recommended by a registered land surveyor for variance requests ten (10) feet or under from setbacks. If the PC/BOA deems a survey is necessary to make a final decision, the request can be tabled/continued until a future date.
  - C. **Copy of the Deed for the property.** All requests are required to be filed with the County Recorder for record with the Board of Adjustments decision.
  - D. **Driving instructions to the property.** Include streets, landmarks, etc.
  - E. **Site Evaluation for septic system (if required) completed by licensed septic contractor.**
  - F. **Any other information as deems necessary to base decision.**
4. **Stake the property accordingly.** This is for any type of construction project. Staff and Board of Adjustment members will inspect the site prior to the public hearing. By submitting an application, you are allowing decision-makers, Board of Adjustment, to have access to your property for a site visit.
5. **Fees.** Fees are required to be paid in full to be considered a complete application.
6. **The applicant or a representative must be present at the hearing.** Hearings are held on the fourth Tuesday of the month at 5:30 p.m. in the County Board Room. A notice will be mailed to the applicant/owner. **Failure to appear may be grounds for denial or action to be delayed.**

# MARTIN COUNTY BOARD OF ADJUSTMENT

## ~ INFORMATION FOR PUBLIC HEARING APPLICANTS ~

The Martin County Board of Adjustment is a five member board appointed by the Martin County Board of Commissioners. The Board of Adjustment has a number of responsibilities, which are spelled out in detail in Chapter 5 of the Martin County Zoning Ordinance. In general, the Board of Adjustment (BOA) hears appeals from administrative zoning decisions, interprets the zoning ordinance when necessary and has the exclusive power to issue variances from the letter of the zoning ordinance. All decisions made by the BOA are final, except to District Court.

For technical information and advice, the BOA relies on the staff of the Planning and Zoning Office. The **staff cannot predict decisions by the Board before the hearing.** Staff will provide assistance in helping an applicant decide what information to present to the BOA and will review an applicant's presentation before the hearing. However, **it is the applicant's complete responsibility** to gather any essential information and provide it to the staff and BOA. **It is the applicant's responsibility to read and complete all of the information contained within this application.**

In all cases, an applicant will help their case by providing as much information about their request as possible. This information should be presented to the staff as early as possible before the public hearing to allow staff to review and the Board to make a timely decision. Failure to do so may result in the BOA delaying their decision for one or more months while the necessary information is obtained. Applications for public hearings which are grossly deficient in providing vital information may be withheld from the BOA agenda.

The BOA is guided by very specific instructions in regard to its actions. Economic considerations alone do not constitute practical difficulties so as to justify the granting of a variance. The following is the State Law's criteria and the BOA shall not grant a Variance unless it finds the following facts at the hearing:

- 1. Is the property owner proposing to use the property in a reasonable manner not permitted by the official control?**
- 2. Is the need for the variance created by actions other than the landowner or prior landowners?**
- 3. Is the practical difficulty due to circumstances unique to this property?**
- 4. Is the variance in harmony with the general purposes and intent of the official control?**
- 5. Will the issuance of the variance maintain the essential character of the locality?**
- 6. Does the practical difficulty involve more than economic considerations?**
- 7. Is the variance consistent with the comprehensive plan?**

### \*\*\*\*GENERAL INFORMATION\*\*\*\*

**Applications must be accompanied by complete and detailed information. The Board of Adjustment may approve, approve with modifications or conditions, or deny any application based on the information available and findings of the Board.**

**A document will be recorded with the County Recorder upon the property described in the legal description, which will state the action taken by the Board of Adjustment.**

**February 2019**