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## VARIANCE APPLICATION CHECKLIST

### PROCEDURE FOR VARIANCE APPLICATION

The City Council may allow a departure from the terms of the zoning ordinance pertaining to setbacks, height or width of structures or the size of yard and open spaces where such departure will still be in harmony with the general purpose and intent of the ordinance. A variance may be granted if enforcement of the ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." For a variance to be granted, the applicant must satisfy a three-factor test for practical difficulties under state statute. **All** three factors must be satisfied to constitute practical difficulties. Complete and submit this checklist or attach a narrative answering the following questions, along with the official City land use application form, established fee and escrow, and data requirements listed below.

Explain the purpose of the variance: \_\_\_\_\_  
\_\_\_\_\_

The practical difficulties factors are as follows

That the property owner proposes to use the property in a reasonable manner but cannot do so under the rules of the ordinance.

Explain how this applies to your request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

That the landowner's problem is due to circumstances unique to the property not caused by the landowner. There are uniquely exceptional circumstances or conditions applying to the land, structure or building in question that do not generally apply to other properties in the same zoning district i.e. sloping topography or other natural features.

Explain how this applies to your request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

That if the variance is granted it will not alter the essential character of the locality meaning the structure will not be out of scale, out of place, or otherwise inconsistent with the surrounding area.

Explain how this applies to your request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: Economic considerations alone shall not constitute practical difficulties. Rather, practical difficulties exist only when the three statutory factors are met. Additional conditions may be imposed to ensure compliance with the City Code and to protect adjacent properties.**

#### **VARIANCE APPLICATION DATA REQUIREMENTS**

The application shall contain two copies (8.5"x11" or 11"x17") of exhibits, which will include the following information:

- Site Plan drawn at scale showing parcel, grading, landscaping and location of utilities, as applicable. A survey may be required to be submitted with the application in addition to a site plan.
- Location of all buildings and their square footage.
- Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- Landscaping and screening plans.
- Sanitary sewer and water plan with estimated use per day.
- Drainage and grading plan; indicate soil type.
- Any additional information reasonably required by the City Staff, Planning Commission or City Council.

#### **Planning Commission Review**

Before any variance is approved, the Planning Commission shall hold a public hearing after proper notice has been issued in accordance with ordinance. Following the hearing, the Planning Commission shall consider the request based on the criteria outlined above and within the Big Lake Zoning and Subdivision Ordinances.

#### **City Council Review and Decision**

The City Council shall review the application after the Planning Commission has made its recommendation and will make a final determination to either approve or deny the application. In the granting of approval, the City Council may impose conditions regarding the location, character and other features of the proposed building, structure or use as it may deem necessary.