



CITY OF PARK RAPIDS
212 Second Street West
Park Rapids, MN 56470
(218) 237-2746

Application # _____
P.I.D. # _____
FEE: \$175
(Escrow \$750)

REQUEST FOR VARIANCE

VARIANCE: This is a request for relief from certain provisions of the ordinance when, due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a hardship upon the property owner. A hardship is distinguished from a mere inconvenience or desire to increase the value of the property. A variance shall not be used to permit a use in a district where it is not allowed under the terms of the ordinance. After review and recommendation by the City Zoning Administrator, a public hearing will be conducted by the Planning Commission to act upon this request. All property owners within 350 feet of your lot line will be notified by mail of the public hearing date and time.

APPLICANT(s): _____ PHONE: (home) _____ (work) _____

ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

OWNER: (If other than applicant) _____ PHONE: (home) _____ (work) _____

ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

ADDRESS OF PROPERTY REFERRED TO, IF DIFFERENT: _____

DESCRIPTION AND REASON FOR REQUEST: (attach sheet if needed) _____

SIZE OF LOT: _____ CITY SEWER? _____ CITY WATER? _____ PRESENT ZONING DISTRICT: _____

LEGAL DESCRIPTION OF PROPERTY: _____

Existing Use of Property: _____

Signature of Applicant(s): _____

Signature of Owner (if different from applicant): _____

FILING REQUIREMENTS:

1. **Completed** application form.
2. Identification of any sensitive areas on the property, i.e.: wetlands or public waters
3. A site plan based upon a boundary or certificate of survey, including existing or proposed easements (appropriate size and scale) of the property denoting actual location, dimension and configuration of proposed buildings and setbacks and uses thereof and showing the following information*:

- Scale and north arrow
- Dimensions of the property
- Adjacent streets
- Dimensions of any existing or proposed structures
- Proposed/existing building setbacks
- Location of any significant trees (8" or greater) within construction area

* Note: Requirements for a new boundary or certificate of survey drawing may be waived by the City Planner if the basis of the variance does not include the need for a parcel survey, or if an existing or proposed setback distance can be field verified by the presence of a minimum of two (2) licensed survey pins set by a Licensed Surveyor fronting any proposed building or site improvements which necessitate the need for the variance request.

4. Fee of \$175.00 and \$750.00 escrow.

ALL MATERIALS MUST BE SUBMITTED INCLUDING AN 8 ½ X 11 OR AN 11 X 17 FORMAT SUITABLE FOR PHOTOCOPYING OR AS AN ELECTRONIC FILE.

VARIANCES SHALL ONLY BE PERMITTED WHEN THEY ARE IN HARMONY WITH THE GENERAL PURPOSES AND INTENT OF THE OFFICIAL CONTROL IN CASES WHERE THERE ARE PRACTICAL DIFFICULTIES OR PARTICULAR HARDSHIP IN THE WAY OF CARRYING OUT THE STRICT LETTER OF ANY OFFICIAL CONTROL, AND WHEN THE TERMS OF THE VARIANCE ARE CONSISTENT WITH THE COMPREHENSIVE PLAN.

The Planning Commission and Board of Adjustment shall consider the criteria set forth below when passing upon a variance request:

- Has the applicant demonstrated a hardship? Hardship means that the property cannot be put to a reasonable use under conditions allowed by the Zoning Ordinance. Economic considerations alone do not constitute a hardship.
- Are the exceptional circumstances unique to this property, which were not created by the landowner?
- Can the variance be granted without upsetting the purpose and intent of the Zoning Ordinance?
- Can the variance be granted without altering the essential character of the surrounding area?

The Planning Commission, at the public hearing must make an affirmative finding on all of the 4 criteria listed above in order to recommend the granting of a variance to the City Council. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied. A variance shall not be granted for a use that is not permitted under the Zoning Ordinance.

The Planning Commission may recommend that the City Council impose conditions upon a variance that relate to the purposes and objectives of the Zoning Ordinance. The City Council may impose conditions and the variance shall not be effective until the conditions are fully complied with. A conditional variance shall be in effect only as long as the condition is complied with. If a condition is not complied with, the variance may be revoked and the city may pursue the enforcement remedies set forth in § 151.999.

PROCEDURE:

1. By Applicant:

- Submit all filing requirements to the Planning Department at least 30 calendar days prior to an available Planning Commission meeting date for a thorough site evaluation.
- Attend all Planning Commission and City Council meetings at which the application is scheduled for action.

2. By City Staff:

- Conduct a thorough site evaluation and review.
- Schedule public hearing before the Planning Commission. Mail notice of public hearing to property owners within 350 foot radius of applicant’s property.
- Notify applicant of meeting date.
- Following public hearing, place application on a regular City Council agenda. Notify applicant of meeting date.
- Inform applicant of City Council action. If request is granted, provide applicant with a copy of the resolution stating the conditions upon which approval is granted. If denied, provide applicant an explanation of the basis for denial.

Purpose for Fees and Escrow

Fees: The application fees are used for staff time for case review and preparation of documents and for postage to mail the required notices to required properties. These fees do not include recording fees or publication fees.

Escrow: The City uses staff to review applications in addition to consultants for engineering, legal and environmental reviews. The escrow is used to pay for costs including but not limited to, staff review time, consultants, as well as meeting with applicants, neighborhood meetings, preparation of staff reports, preparation of legal documents, publication of the public hearing notice in the Enterprise and recording and additional publication fees, where required. Once the escrow is used additional escrow funds may be required to be submitted prior to further processing of the request. (See Agreement to pay professional fees.)

Acknowledgment and Signature:

The undersigned applicant hereby represents upon all of the penalties of the law, for the purpose of inducing the City of Park Rapids to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinance of the City of Park Rapids, and the laws of the State of Minnesota, and that the undersigned applicant will pay all fees and charges incurred by the City for the examination and review of this application.

Signature of Applicant(s)

Signature of Property Owner

Date

Date

An application shall only be considered complete if it includes all necessary information regarding applicant’s request, including completed application and fee, all required survey, site and building plans, an escrow payment with the below additional agreement signature to pay city professional and publication fees.

You are asked to attend the Planning Commission meeting on _____ at 6:00 p.m. Their recommendation will be heard at the City Council meeting on _____. If you are unable to attend that meeting, please call City Hall at 218-732-3163 for the results of that meeting. (Property owners within 350 feet of your lot line will be notified by this office of the public hearing date and time.)

If this permit is granted, I hereby certify that all work will be done as stated herein and in accordance with all applicable laws of the State of Minnesota and the City of Park Rapids.

Applicant(s) Signature

Date

Complete application accepted on: _____
Date

For Office Use Only

Approval ____ Denial ____ recommended by the Planning Commission/City Planner on _____
(Date) (Chair)

Approval ____ Denial ____ by the Board of Adjustment/City Council on _____
(Date) (Chair/Mayor)

**ADDENDUM TO DEVELOPMENT APPLICATION
AGREEMENT TO PAY CITY PROFESSIONAL FEES**

Applicant(s) Name

Address of Property Involved

I/we, the undersigned Applicant(s), hereby agree that I/we will pay all fees and charges that may be incurred by the City for planning, engineering, legal, and any other professional services directly related to and incurred by the City during the examination, review and processing of this Application, and during any necessary enforcement action subsequent to this request. I/we understand that the application fee is only an administrative charge intended to defray costs associated with City Staff services and resources required for the processing of this request. I/we agree to deposit the funds in escrow with the City. The City will make every reasonable effort possible to keep these charges to a minimum, yet still provide the needed level of professional services. If direct costs for recording and professional services are in excess of funds placed in escrow, additional escrow funds may be required to be submitted prior to further processing of the request. Otherwise any fees resulting in charges above the escrow funds placed on deposit will be billed and promptly paid by the Applicant(s) prior to the final disposition of the request by the City. If direct costs to the City are less than the sum placed in escrow, then the balance will be refunded to the Applicant(s) upon final disposition of the request by the City.

Signature of Applicant(s)

Date

(Application form updated on 12/19/2018)