



Appeal for a Variance

Todd County Planning & Zoning

215 1st Ave South – Suite 103, Long Prairie, MN 56347

Phone 320-732-4420 or email: toddplan.zone@co.todd.mn.us

Applying for a Variance can sometimes be a confusing process for applicants. The Todd County Planning & Zoning staff is happy to help you through this process.

Please note that no permits can be issued, nor any work commence, until the County Board of Adjustment have made their final decision.

Board of Adjustment Meetings are held once a month according to the BOA Meeting schedule. If applications received exceed the number that can be considered for each meeting, they may be moved forward to be scheduled at another meeting.

- (1) Completely fill in the attached application form. If you have any questions contact the Todd County P&Z at 320-732-4420 or email toddplan.zone@co.todd.mn.us.
- (2) A drawn site plan must be submitted with the application (See Pages 2-3 of application). A neat sketch that is generally to scale, and shows physical characteristics of your property is important. Examples of the physical characteristics we need to see are: accurate property dimensions and shape, accurate shoreline alignment, road centerline and right-of-way, all existing and proposed structures with dimensions, septic system, wells, driveways, vegetation, steep slopes, topographic alterations, wetlands, etc...
- (3) Evidence that your existing septic system (if one exists on this parcel) is in compliance. Evidence may either be (1) a copy of a county inspection form that shows septic is less than five years old; or (2) a copy of “Compliance Inspection Form for Existing Individual Sewage Treatment Systems” that is less than three years old. If you do not have either of these, you will need to have your system inspected by a MN-licensed ISTS inspector. If you apply between Nov.15 – April 15 and the ground is frozen so a compliance inspection cannot be done, then a Septic Compliance/Inspection agreement must be submitted in lieu of a current certificate of compliance. **Sewer system information must be included or application will not be accepted.**

NOTE: Todd County Zoning Ordinance requires that any nonconforming sewage treatment system shall be upgraded upon the following: Any application for variance, conditional use permit, permits for enlargement or intensification or improvement of property.

- (4) Fees: **\$350.00** (non-refundable) which includes application fee and recording fee. Make check payable to “Todd County Treasurer”
 After-the-Fact Fee: **\$700.00**(non-refundable) Make check payable to “Todd County Treasurer”
 - *After-the-Fact rates may apply*
- (5) Application must be received in the Planning & Zoning Office-- 215 1st Ave South Suite 103, Long Prairie, MN 56347 by the scheduled closing date/time to be considered at the subsequent Board of Adjustment meeting. Contact the Planning and Zoning Office for application deadlines and hearing dates.
- (6) Applicant or authorized agent must be present in person for the hearing of this application. Notice will be sent to applicant verifying date, time and location of the meeting. If an agent will represent the owner the attached form must be submitted to the P&Z Office prior to the meeting.

It is required to mark off lot lines and exact location of the proposed building/addition. Flags must be in place 2 weeks prior to a meeting.

RETURN APPLICATION AND FEE TO THE FOLLOWING LOCATION:

Todd County Planning & Zoning
 215 1st Ave South – Suite 103
 Long Prairie, MN 56347

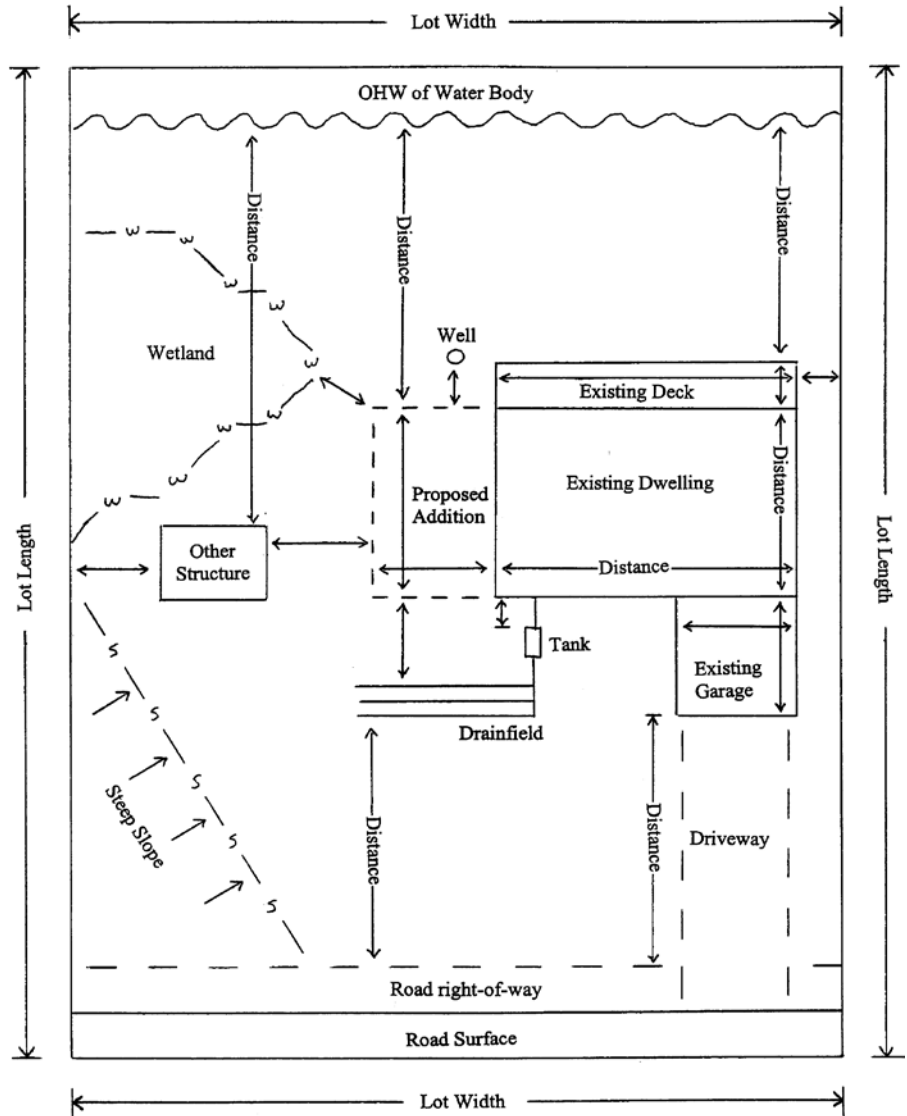
SKETCH DRAWING INSTRUCTIONS

A sketch of your site plan is a required part of the land use permit application. Use the attached sheet on Page 2 to draw out your sketch or attach on a separate sheet of paper.

EXAMPLE SKETCH:

Required Information:

- ❑ North arrow
- ❑ Lot dimensions on each side
- ❑ Waterbodies and wetlands
- ❑ Roads, right-of-ways, driveways and parking areas
- ❑ Existing Easements
- ❑ Existing structures, with outside wall dimensions
- ❑ Proposed structures, with outside wall dimensions
- ❑ Well and septic system location, if applicable
- ❑ Identification of steep slopes or bluffs
- ❑ Setback distances from proposed structure to lot lines, waterbodies, top of bluff, etc... See attached sheet for required setbacks.
- ❑ If building new dwelling, attach floorplan with all levels in dwelling including basements
- ❑ Other information that may be necessary





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Applicant _____

Mailing Address _____

Site Address _____

Phone Number _____ Cell Number _____

E-Mail Address _____

Property Owners Name & Address (if not applicant) _____

Parcel Number(s) _____

Section: _____ Township _____

Zoning District (circle one): *AF-1; AF-2; R-10; R-2; UG; RT; Commercial; Industry; or
 Shoreland (Lake or River Name):* _____

Do you own land adjacent to this parcel(s) Yes No

Septic System: Date installed _____ Date of Compliance Inspection _____

Is a new system needed: yes no STS Design attached

Required for applications with existing septic systems: Approved design submitted for new system to be installed, new system installed within previous 5 years, or passing compliance inspection on existing system in previous 3 years

Variations Requested:

What standards or requirements are you unable to maintain? (Check all that apply)

Lot width _____ Lot area _____ Lake or River setback _____ Bluff setback _____

Road right-of-way setback _____ Side Yard setback _____ Buildable area _____

Impervious surface coverage _____ Building/Structure Height _____ Other _____

LIST YOUR VARIANCE REQUEST(s) and what, if the variance were granted, you intend to build or use the land for. **For example:** *“Request to reduce the 10ft structural setback from my west side lot line to 8ft for the construction of a detached garage to be used for vehicle and personal storage.”*

- 1.) _____

- 2.) _____

- 3.) _____

- 4.) _____

**State Statutes Section 394.7 Subd7: Variances: Practical Difficulties. The BOA shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of official control, and when variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with official rules; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

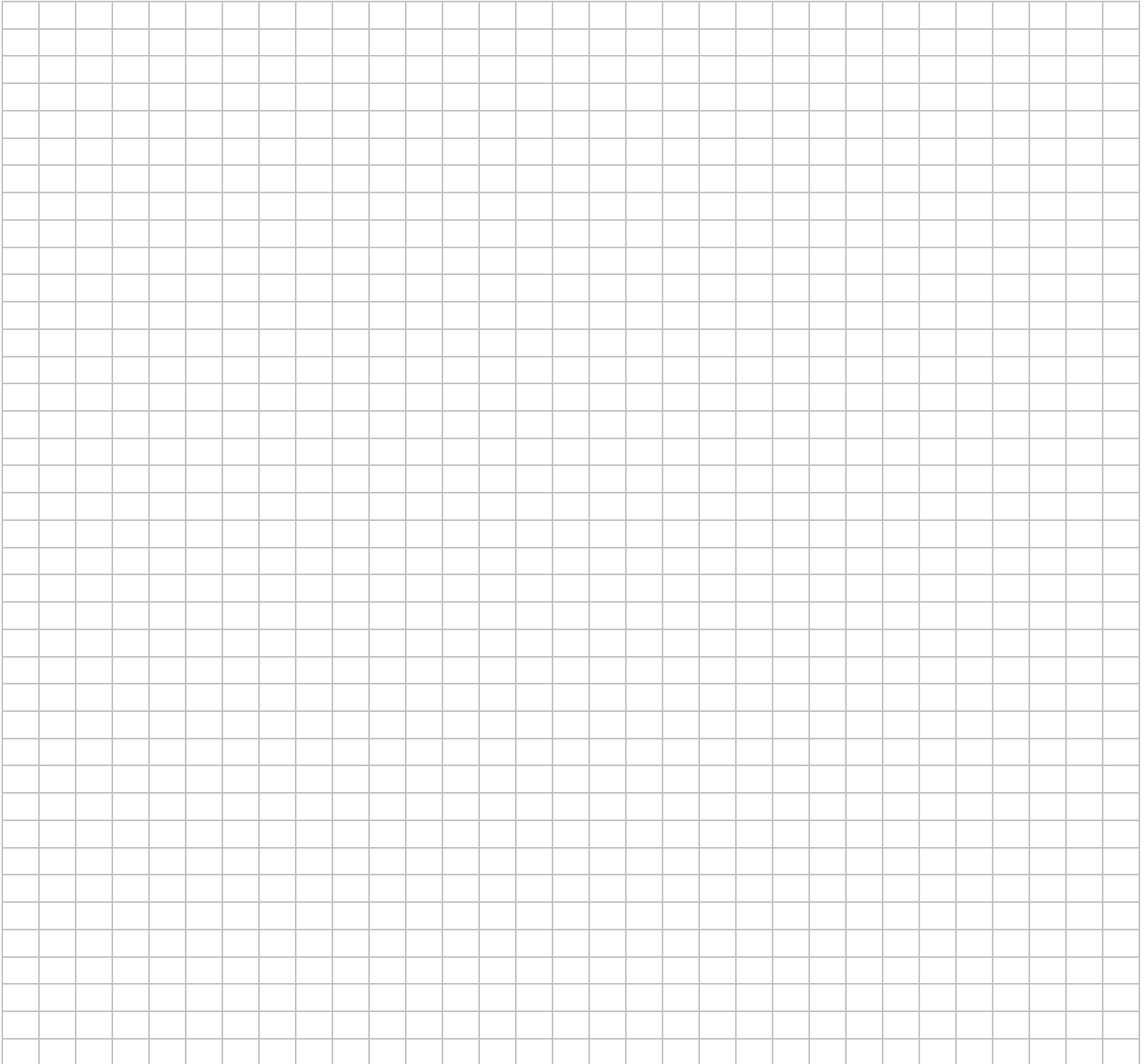
The Board of Adjustment may impose conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

EXPLAIN YOUR PRACTICAL DIFFICULTIES or reason why you need your request approved.**

It is important that you flag your related property lines and proposed building locations

Have you flagged your lot? (Y) (N)

SKETCH DRAWING



The applicant or agent hereby makes application for a variance agreeing to do all such work in accordance with all Todd County Ordinances. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith are true and accurate. Applicant or agent agrees that, in making application for a variance grants permission to Todd County, at reasonable times during the application process and thereafter, to enter applicant's premises to determine the feasibility of granting said variance or for compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is alter found or determined by the county to be inaccurate, the County may revoke the variance based upon the supply of inaccurate information.

Applicant's Signature

Date

Print Property Owner(s) Name

Property owner (s) Signature



AUTHORIZED AGENT FORM

I hereby authorize _____ to act as my authorized agent
for all public hearing(s) and legal relations with this application on property located at:

Site address _____

Section # _____ Township Name _____

Parcel Number(s) _____

Property Owner(s) name (print) _____

Property Owner(s) Signature(s) _____ Date _____

Authorized Agent(s) name (print) _____

Authorized Agent(s) Signature(s) _____ Date _____

Authorized Agent Phone Number _____



IMPERVIOUS SURFACE WORKSHEET (FOR SHORELAND ONLY)

APPLICANT INFORMATION

Name _____ Site Address _____

Phone (____) ____ - _____ City _____ State ____ Zip _____

Mailing Address _____ Parcel Number ____ - _____

_____ Lake/River Name _____

IMPERVIOUS SURFACE: is a constructed hard surface that either prevents or retards the entry of water into the soil or causes water to run off the surface in greater quantities & at an increased rate of flow than prior to development.

LOT/STRUCTURE DIMENSIONS

Total lot area: _____ sq ft

List all structures (structure's foundation footprint: length, width, and total area)

| | Existing | Proposed |
|----|-----------------|-----------------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| 4. | _____ | _____ |
| 5. | _____ | _____ |
| 6. | _____ | _____ |
| 7. | _____ | _____ |
| 8. | _____ | _____ |

List all non-roofed hard surfaces: Examples include sidewalks, paver stones, retaining walls, patios, decks, driveways & parking areas (asphalt, concrete or gravel), and areas of landscaping underlain with plastic or other impervious liners:

| | Existing | Proposed |
|----|-----------------|-----------------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| 4. | _____ | _____ |
| 5. | _____ | _____ |
| 6. | _____ | _____ |

Total of 25% of lot may be covered by foundations of impervious surfaces (15% from roofed structures, 10% from non-roofed structures)

1. List in the table below any efforts by landowner to reduce project impact by removing or reducing impervious surfaces.

| List Structure or Impervious Surface to Be removed | Square footage to be removed | Location of structure or impervious surface to be removed (see table below) |
|--|------------------------------|---|
| Example: concrete drive to lake | 8' x 35' = 280 sq ft | (C) Within Impact Zone |
| | | |
| | | |
| | | |

| Location of variance request in reference to Ordinary High Water level | General Development Lake | Recreational Development Lake | Natural Environment Lake and Rivers / Streams |
|--|--------------------------|-------------------------------|---|
| A. Outside shoreland building setback | 75'+ | 100'+ | 150' + |
| B. Between Shore Impact Zone and Building Setback | 37.5' to 75' | 50' to 100' | 75' to 150' |
| C. Within Shore Impact Zone | 0 to 37.5' | 0 to 50' | 0 to 75' |

2. List below any Storm Water Management Best Management Practices (BMP's) that will be installed to help mitigate impacts of development.

INFILTRATION BMP's

List any measures you plan on taking to increase water infiltration and retention. Examples include rain gutters, rain gardens, retention swales, berms, sub-surface tile, etc. Efforts to install BMP's will be graded positively in the site evaluation. Locate projects on site map.

VEGETATION BMP's

Vegetation planting along lake shore areas is also a Best Management Practice. Planting areas of your lakeshore impact zone with permanent vegetation helps infiltrate water, reduce lake impact, provide habitat, and screen the dwelling from other lake users. Plantings are graded positively in the site evaluation. List any areas to be planted or restored and mark the location on your site map.



Todd County Planning & Zoning Board of Adjustment Criteria Questions for Findings of Fact Supporting/Denying a Variance

These criteria questions are for information only and completion on this application is not required.

For after-the-fact requests, use the set of criteria questions on the Page 11 as well.

The criteria for the granting of a variance are set forth in Section 5.03 of the Todd County Planning and Zoning Ordinance. Additionally, Minnesota Statute 394.27, Subd. 7 identifies that all the criteria must be met before the granting of a variance. A variance may only be granted where the strict enforcement of the county zoning controls results in a practical difficulty. Variations will only be granted when the Board of Adjustments answers a majority "Yes" to each of the seven questions set forth below.

The following questions may be asked by the Board of Adjustment as an aid to help build a body of information, findings of fact, for supporting or denying a request for a variance. These questions are included as an aid for the applicant to better understand the variance process.

DECISIONAL STANDARDS WHEN GRANTING OR DENYING A VARIANCE

1. Is the variance in harmony with the general purposes and intent of the official control?

Yes () No ()

Reasons?

2. Is the variance request consistent with the goals and policies of the comprehensive plan?

Yes () No ()

Reasons?

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes () No ()

Reasons?

4. Is the need for a variance due to the circumstances unique to the property not created by the landowner?

Yes () No ()

Reasons?

5. Will the variance maintain the essential character of the locality?

Yes () No ()

Reasons?

6. Does the need for the variance involve more than just economic considerations?

Yes () No ()

Reasons?

7. Have safety and environmental concerns been adequately addressed?

Yes () No ()

Reasons?

The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. (Mitigating impervious surface with storm water management, deep rooted vegetative buffers, rain gardens, etc.)

After-the-Fact Variance Considerations

If the Board of Adjustment finds that the criteria has been met for the first 6 questions for a variance, thereby finding that all of the criteria set forth in section 5.03 are met, then the following questions may be considered and weighed by the Board of Adjustment in determining whether to grant or deny a request for the after the fact variance.

These criteria questions are for information only and completion on this application is not required.

1. Was there any attempt to comply with the applicable Official controls?

Yes () No ()

Reasons? _____

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?

Yes () No ()

Reasons? _____

3. Did the applicant complete the work before being informed of the violation of applicable official controls?

Yes () No ()

Reasons? _____

4. Are there similar structures in the area?

Yes () No ()

Reasons? _____

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?

Yes () No ()

Reasons? _____

6. Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?

Yes () No ()

Reasons? _____
