

VARIANCE APPLICATION INSTRUCTION SHEET

WHAT IS A VARIANCE? A Variance is an exception to the rules that are set forth in the Gnesen Zoning Ordinance.

WHEN IS A VARIANCE NECESSARY? A Variance may be necessary when a landowner wishes to develop property, and due to the uniqueness of their lot, they are unable to comply with the Ordinance.

CAN ANYONE GET A VARIANCE? No. Courts have said the applicant has a “heavy burden of proof” to show there are no reasonable development options and there is “practical difficulties” in following the rules of the Ordinance.

WHAT IS PRACTICAL DIFFICULTIES? “Practical difficulties: as used in connection with the granting of a Variance, means the property owner proposes to use the property in a reasonable manner not permitted by an official control; 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.” No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. *Minnesota Statutes 394.27*

WHO DECIDES IF I WILL GET A VARIANCE? The decision is made at a public hearing on whether practical difficulties have been demonstrated, by the Gnesen Board of Adjustment. The information provided by the applicant, public comment, staff site visit, report, and recommendation, all help the Board determine whether practical difficulties have been demonstrated.

APPLICATION AND SKETCH: Please fill out the Variance Application thoroughly. A neat sketch that is generally to scale, and shows all of the physical characteristics of your property is especially 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 alteration, wetlands, etc...

RETURN APPLICATION AND FEE TO THE FOLLOWING LOCATION:

Gnesen Town Hall

6356 Howard Gnesen Road

Duluth, Minnesota 55803

APPLICATION FOR VARIANCE

Permit#

Please carefully complete (PRINT) this application according to the instructions. Failure to fill in all of the required information may result in a delay of processing your application. A fee of \$ _____ (Please see fee schedule on our website Gnesen.org) must accompany this application. Please make checks payable to Town of Gnesen. An additional fee will be billed for any costs incurred by the town.

Name of Applicant: _____
Mailing Address: _____

Phone Number: Home _____ Work _____ Cell _____
Site Address: _____
Primary Access Road: _____

PROPERTY DATA

Please print out the entire legal description, or attach a photocopy. The legal description can be found on the deed, abstract or property tax statement.

Legal Description: _____

Parcel Code: _____ Section # _____ Township # _____ Range # _____

Shoreland Frontage? YES NO Name of Lake/River/Stream: _____

What is your lot width at the shoreline? _____ ft.

Property size: Width at building site _____ ft. Depth _____ ft. Acres _____

Ownership: Private _____ Public _____ Leased from: _____

List all existing structures and their dimensions: _____

Has there been any construction on your property since 1972? YES NO If yes, list. _____

Number of existing bedrooms: _____

STRUCTURAL DATA

Proposed structure and/or use: _____

Total number of bedrooms after construction: _____ Height (ground level to roof peak): _____

Number of stories in structure: _____ If more than one please explain (i.e. Loft, walkout, etc.): _____

Proposed structure dimensions (Exterior Footprint): Width: _____ Length: _____ Square ft: _____

Type of foundation (slab, crawlspace, basement, etc.): _____

Structural setbacks: Side yard near: _____ Side yard far: _____
(horizontal distance) Road right of way: _____ Road centerline: _____

Shoreline setback: _____ Rear yard: _____

Will the proposed structure contain pressurized water? Yes _____ No _____

Have there been any Variances or Conditional Uses applied for on this parcel? Yes _____ No _____

Is there or will there be any commercial use of this property? Yes _____ No _____ If yes, explain:

Estimated construction cost: \$ _____

Contractor's name: _____ Contractor's registration number: _____

SHORELAND DATA

Elevation of unaltered building site above lake, river, or stream: _____ ft.

Elevation of lowest floor or basement above lake, river, or stream: _____ ft.

What is the slope of your property? (See instructions on how to calculate) _____ %

Are you planning to remove any vegetation? Yes _____ No _____ If yes, explain:

Are you planning to do any grading or filling? Yes _____ No _____ If yes, explain: _____

EXPLANATION OF REQUEST

What specific standards (s) are you requesting variance from? (i.e. lot size, road setback, etc.)

What is the required standard(s) or measurement(s)? _____

What standards(s) or measurement(s) are you requesting? _____

What construction options or alternatives do you have that may eliminate the need for a variance? _____

Are there unavoidable physical features on your property such as ledge rock, wetlands, bluffs or steep slopes that severely limit your construction site options? YES NO If yes, explain _____

Does the architectural design or floor plan of your building (i.e. location of kitchen or bathroom facilities, roof lines or fireplaces) severely limit your construction options? _____

If your proposal is for an addition, what modifications to the existing structure are intended or required? _____

Is there any other information that would help us determine if you should be granted a variance to the rules other property owners must follow? _____

There are good land use management reasons for the rules in the ordinance. Granting variances can decrease the effectiveness of land use controls and have a negative impact on shorelands, adjacent properties, real estate values and the environment. There are ways a property owner can minimize the impact of a variance such as:

- A. Retaining or adding vegetative buffers adjacent to property lines and shorelines.
- B. Minimizing the size and height of structures.
- C. Selecting building materials that have a natural appearance and color.
- D. Decreasing the number of other structures on your property, building them away from the shoreline and property lines.

Assuming that a practical difficulty has been demonstrated, and a variance is justified, what measures are you willing to take to decrease the impact of development on your property? _____

ENVIRONMENTAL DATA

Does your property contain low areas, wetlands, or areas with standing water for more than two weeks between May 1 and September 15? YES _____ NO _____. If yes, do you intend to drain, fill or otherwise alter this area for any reason?

YES _____ NO _____? If yes, explain: _____

Type of septic system: _____ Permit Number: _____

(See instructions)

Year installed: _____

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ALL APPLICANTS MUST SIGN BELOW

I hereby certify that I am the owner or authorized agent of the owner of the above property and that all uses will conform to the provisions of Gnesen Township Officials controls. I further certify that I will comply with all conditions placed upon this permit should this application be approved. Intentional or unintentional falsification of this application or any attachments thereto will serve to make this application and resultant permit invalid. I also authorize Township staff to inspect the property during review of the application during reasonable time of day.

APPLICANT _____ DATE _____

OFFICE USE ONLY

Land Use District _____	Floodplain YES NO
Lake # _____	Bluff impact zone YES NO
Shoreland district _____	Wetlands present YES NO
Revenue Code _____	Field check YES NO
Date approved _____	Approved by _____
Receipt # _____	Receipt date _____
Required standard _____	Requested standard _____
Health Department authorization required	YES NO
Performance standards attached	YES NO

Comments: _____

PLEASE RETURN THIS APPLICATION TO:

Gnesen Planning & Zoning
6356 Howard Gnesen Road
Duluth, Minnesota 55803