**Town of Gnesen**

**Variance Application**

6356 Howard Gnesen Road

Duluth, MN 55803

 218-721-3158 – gnesen.org

**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, SKETCH, FINAL PLANS:** Please fill out the Variance Application thoroughly and submit to the Town Office along with final plans and specifications. 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… NO VARIANCE APPLICATION WILL BE CONSIDERED WITHOUT THE SUBMITTAL OF FINAL, SPECIFIC BUILDING PLANS.

**RETURN APPLICATION, FEE, AND FINAL PLANS TO THE FOLLOWING LOCATION:**

Gnesen Town Office

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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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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? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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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? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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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? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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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?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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Type of septic system: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Permit Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(See instructions)

Year installed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

=====================================================================================================================================

**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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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PLEASE RETURN THIS APPLICATION TO:

 Gnesen Planning & Zoning

 6356 Howard Gnesen Road

 Duluth, Minnesota 55803

