



**East Bethel Community Development**  
 2241 221st Ave. NE • East Bethel, MN 55011  
 Phone: (763) 367-7844 • Fax: (763) 434-9578

## VARIANCE

APPLICANT IS REQUIRED TO MEET WITH CITY STAFF **PRIOR** TO SUBMITTAL OF THIS APPLICATION

**APPLICATION FEE: \$300**

**ESCROW: \$500\***

**FILING FEE: \$55**

\*CONSULTING FEES ACCRUED FROM THE CITY ENGINEER, CITY ATTORNEY, ETC WILL BE TAKEN FROM THE ESCROW AMOUNT. THE REMAINING ESCROW WILL BE REFUNDED AFTER THE PROJECT IS FINISHED AND HAS MET ALL OF THE CONDITIONS DURING FINAL INSPECTION. THE APPLICATION FEE IS NON-REFUNDABLE.

NAME OF PROJECT (IF APPLICABLE): \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_ PRESENT ZONING: \_\_\_\_\_

LOCATION PID: \_\_\_\_\_ LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_

DESCRIPTION OF PROJECT: \_\_\_\_\_

**PROPERTY OWNER:**

NAME: \_\_\_\_\_

PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

EMAIL: \_\_\_\_\_

**APPLICANT:**

SAME AS PROPERTY OWNER

NAME: \_\_\_\_\_

PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

EMAIL: \_\_\_\_\_

I FULLY UNDERSTAND THAT I MUST MEET WITH CITY STAFF TO REVIEW ALL SUBMISSION REQUIREMENTS AND CONDITIONS PRIOR TO OFFICIAL SUBMISSION, AND THAT ALL OF THE REQUIRED INFORMATION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE PLANNING/ZONING COMMISSION AND CITY COUNCIL SCHEDULED MEETING DATES TO ENSURE REVIEW BY CITY STAFF.

\_\_\_\_\_  
PROPERTY OWNER SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
DATE

**OFFICE USE ONLY**

DATE SUBMITTED: \_\_\_\_\_

60 DAYS: \_\_\_\_\_

TOTAL FEE PAID: \_\_\_\_\_

120 DAYS: \_\_\_\_\_

ESCROW APPLICATION SUBMITTED: \_\_\_\_\_

SL  PF  LU

# Variance Findings of Fact

“Practical difficulties” is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

## 1. Reasonableness

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

## 2. Uniqueness

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

## 3. Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area

# SECTION 4, NUMBER 10 – VARIANCE



- A. **Purpose.** The purpose of the variance provisions of this chapter is to provide for deviations or variations from the provisions of this chapter in instances where their strict enforcements would cause practical difficulties because of circumstances unique to the individual property under consideration.
- B. **Application.** Application for a variance shall be made to the city on forms provided by the city. An application for a variance shall be accompanied by a fee as set forth by city council. Such application shall also include written and graphic materials fully explaining the requested variance. The city may require that the applicant submit the following information before the application can be deemed complete:
- 1) A certificate of survey or map of the property that shows all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features, and significant trees;
  - 2) Evidence of ownership or an interest in the property, and its legal description;
  - 3) A written description of the variance request including an explanation of compliance with the variance criteria set forth in this chapter;
  - 4) Building floor plans, elevations, and sections;
  - 5) Grading and drainage plan;
  - 6) Impervious surface calculations; and
  - 7) Other information as may be required by the city.
- C. **Notice.**
- 1) Pursuant to Minnesota Statutes, an application for a variance shall be approved or denied within 60 days from the date of its official and complete submission. The 60 day review period can be extended an additional 60 days pursuant to Minn. Stats. § 15.99. If the initial 60-day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.
  - 2) Upon receipt of a complete application, as determined by the city, and following preliminary staff analysis of the application, the city, when appropriate, shall establish a time and place for consideration of the application by the planning commission. At least ten days before the date of the meeting, a written notice of the meeting shall be published in the official newspaper and mailed to all owners of land within 350 feet of the boundary of the property in question in all business districts and R-1 and R-2 districts, and 1,250 feet of the boundary of the property in question in the RR district.
  - 3) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this chapter provided a bona fide attempt to comply with the provisions of this chapter has been made. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made a part of the record.
- D. **Procedure.**
- 1) The planning commission shall not recommend approval of any variance application unless it finds that failure to grant the variance will result in practical difficulties on the applicant and, as may be applicable, all of the following hardship criteria have been met:
    - a. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that 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.
    - b. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
  - 2) The city shall have the authority to request additional information from the applicant.
  - 3) The applicant or the applicant's representative may appear before the planning commission to present information and answer questions concerning the request.
  - 4) The planning commission shall make a finding of fact and make a recommendation on such actions or conditions relating to the request as it deems necessary to carry out the purpose of this chapter. Such recommendations shall be in writing and accompanied by the report and recommendation of the city staff.

- 5) Upon receiving the report and recommendation of the planning commission and the city staff, the city shall schedule the application for consideration by the city council. Such reports and recommendations shall be entered in and made part of the permanent record.
  - 6) Approval of the request shall require passage by the majority of the entire city council.
  - 7) In granting a variance, the city council, after considering the recommendations of the city staff and the planning commission, shall impose such conditions as it deems necessary to carry out the purpose of this chapter.
- E. **Expiration.** Any variance granted by the city shall run with the land and shall be perpetual. However, if no building permit has been issued or substantial work performed on the project within one year of approval, then the variance shall be null and void. The city council may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. If the variance is part of an approved site and building plan, extension of the time for construction shall be contingent upon a similar extension of the time for the site and building plan by the city council as required by this chapter. Once the project is completed as approved, the variance becomes perpetual.
- F. **Specific project.** A variance shall be valid only for the project for which it was granted. Construction of any project shall be in substantial compliance with the building plans and specifications reviewed and approved by the city.
- G. **Certification of taxes paid.** Prior to approving an application for a variance, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the variance application relates.
- H. **Records of variances.** A certified copy of any variance shall be filed with the Anoka County Recorder or Registrar of Titles. The city shall maintain a record of all variances issued including information on the use, location, conditions imposed by the city council, time limits, review dates, and such other information as may be appropriate.
- I. **Reapplication.** No application for a variance for a particular use on a particular parcel shall be resubmitted for a period of one year from the date of denial of the previous application unless a decision to reconsider such matter is made by a majority vote of the full city council.
- J. **Revocation.**
- 1) A violation of any condition set forth in a variance shall be a violation of this chapter, and failure to correct said violation within 30 days of written notice of the violation from the city may result in revocation of the permit. The city council may grant an extension of up to 60 days to correct the violation(s).
  - [2]) Revocation shall not occur earlier than ten city business days from the time the written notice of revocation is served upon the permittee or, if a hearing is requested, until written notice of the city council action has been served on the permittee.
  - [3]) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain:
    - a) The effective date of the revocation;
    - b) The nature of the violation(s) constituting the basis of the revocation;
    - c) The facts which support the conclusion that a violation(s) have occurred; and
    - d) Notice that the permittee may appeal the revocation by filing a written request for a hearing with the city administrator within ten city business days following the date of service.
  - [4]) The written hearing request shall be in writing stating the grounds for appeal and served personally or by registered or certified mail on the City of East Bethel by midnight of the tenth city business day following the date of service.
  - [5]) Following the receipt of a request for a hearing, the city shall set a time and place for the hearing which shall be conducted in accordance with the procedures to appeal decisions of the city as set forth in this chapter.
  - [6]) The permittee must satisfy the conditions of the variance approved by the city council within 60 days. Unless the permittee requests and receives from the city council an extension of time, failure to satisfy the conditions within 60 days will render the permit void.

# Land Use Escrow Application

Property Address: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Type of Land Use Application: \_\_\_\_\_

Person/Company paying the escrow	Person/Company receiving returned escrow (if different from the person/company paying the escrow than permission is needed)
Name: _____	Name: _____
Phone: _____	Phone: _____
Email: _____	Phone: _____
Mailing Address: _____ _____	Address: _____ _____
Amount entered into escrow: \$ _____	Email: _____

	Type of Land Use Application	Escrow Amount
	Tax Increment Financing	\$12,000
	Preliminary Plat	\$5,000
	Major Mining Permit	\$1,500
	Admin. Subdivision, Comp Plan Amendment, Metes and Bounds Split, Minor Mining Permit, Site Plan Review, Vacation, Zoning Map Amendment	\$1,000
	Final Plat	\$1,000 + \$50/Lot if new road
	Environmental Review	\$650
	Concept Plan Review, Conditional Use Permit, Conditional Use Permit Amendment, Grading Permit, Planned Unit Development Amendment, Variance, Zoning Text Amendment	\$500
	Interim Use Permit/Amendment	\$300

**Escrow Information**

Escrow is set aside for attorney, consulting, engineering, and other misc. fees. If the City of East Bethel is to acquire these fees while working on your Land Use Application, than you are authorizing the City to use this escrow to pay for those fees. The remaining escrow amount will be returned once the work has been approved by the Building and/or Community Development Director.

Escrow Payer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Community Development Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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# Application Deadlines for 2020

Planning staff has ten (10) business days to deem an application complete. The submittal dates pertain to applications deemed complete by Planning staff. These dates do not pertain to Subdivisions applications.

<b>Application Deadline To be submitted by 4pm (30 days prior to PC meeting)</b>	<b>Planning Commission Meeting</b>
Friday, December 27, 2019	<b>January 28, 2020</b>
Monday, January 27, 2020	<b>February 26, 2020</b>
Friday, February 21, 2020	<b>March 24, 2020</b>
Friday, March 27, 2020	<b>April 28, 2020</b>
Friday, April 24, 2020	<b>May 26, 2020</b>
Friday, May 22, 2020	<b>June 23, 2020</b>
Friday, June 26, 2020	<b>July 28, 2020</b>
Friday, July 24, 2020	<b>August 25, 2020</b>
Friday, August 21, 2020	<b>September 22, 2020</b>
Friday, September 25, 2020	<b>October 27, 2020</b>
Friday, October 23, 2020	<b>November 24, 2020</b>
Friday, November 20, 2020	<b>December 22, 2020</b>

**Planning Commission meetings** are held on the 4<sup>th</sup> Tuesday of the month, unless a holiday falls on that day.

**City Council meetings** are held on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month, unless a holiday falls on that day.

Changes to meeting dates will be posted on the East Bethel City website.

## CONTACT LISTS FOR REVIEW OF DEVELOPMENT PROJECT

If the box is checked, you must provide a letter of approval, copy of minutes, or other documentation as it relates to your project to the City of East Bethel Planning/Building Department as part of your application for submittal.

### CITY

- City Attorney**  
Eckberg Lammers  
1809 Northwestern Ave. S.  
Stillwater, MN 55082  
(651) 967-7344  
[www.eckberglammers.com/](http://www.eckberglammers.com/)
  
- City Engineer**  
Hakanson Anderson  
Attn: Craig Jochum  
3601 Thurston Ave.  
Anoka, MN 55303  
763-427-5860  
[www.haa-inc.com/](http://www.haa-inc.com/)

### HIGHWAY/TRANSPORTATION

- Traffic Engineering Manager**  
Anoka County Highway Department  
1440 Bunker Lake Blvd.  
Andover, MN 55304  
763-862-4231  
[www.anokacounty.us/307/Highway-Department](http://www.anokacounty.us/307/Highway-Department)
  
- Development Review Coordinator**  
MN Dept of Transportation  
Metro Division, Waters Edge  
1500 West County Road B-2  
Roseville, MN 55113  
651-234-7500  
[metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us)

### JOINT APPLICATION REQUIRED (WETLANDS/WATERWAYS)

- Anoka Conservation District**  
Attn: Wetland Specialist  
1318 McKay Dr NE, Suite 300  
Ham Lake, MN 55304  
763-434-2030, ext. 14  
<https://www.anokaswcd.org/>
  
- Area Hydrologist**  
MN Dept of Natural Resources  
1200 Warner Road  
St. Paul, MN 55106-6796  
651-259-5802  
<https://www.dnr.state.mn.us/>
  
- Ecological Services**  
MN Dept of Natural Resources  
1200 Warner Road  
763-200-2581  
<https://www.dnr.state.mn.us/>
  
- Board of Water & Soil Resources**  
651-296-6736  
<http://www.bwsr.state.mn.us/>
  
- U.S. Army Corps of Engineers**  
180 Fifth St East, Suite 700  
St. Paul, MN 55101  
651-290-5282  
<https://www.mvp.usace.army.mil/>
  
- Sunrise Watershed Management Organization**  
19511 E. Tri Oak Cir  
Wyoming, MN 55092  
763-434-9652  
[LAM3@ISD.net](mailto:LAM3@ISD.net)
  
- Upper Rum River Watershed Management Organization**  
19900 Nightingale St. NW  
Oak Grove MN 55011  
651-259-5755  
<http://www.urrwmo.org/>