

SUMMARY OF VARIANCE PROCEDURES

Step 1 **Pre-Application meeting with Environmental Services Staff to discuss your specific situation**, identify other potential issues, and to explain the process. Contact Environmental Services to set up an appointment.

Step 2 Must obtain all necessary permits and/or variances from Local Township prior to submitting an application to the County Board of Adjustment.

Step 3 File a completed variance application by 4:30pm on or before the application deadline.

Application Deadline: _____

Meeting Date: _____

Step 3 The variance application must include all of the following:

- a. A completed application form with the required filing fee;
- b. A full, recordable property description (recorded deed or abstract);
- c. A complete site sketch and/or survey and plans, **including all of the items on the attached variance checklist** noted as required by Environmental Services. This checklist will be specific to your request and determined after meeting with staff.
- d. For Shoreland Management variances, a septic system certification must be completed. (Note: Noncompliant septic systems are required to be upgraded regardless of the outcome of variance proceedings).
- e. Township variance, if required, must be obtained prior to going before the County Board of Adjustment.

Step 4 Processing (completed by Environmental Services staff):

- a. Public hearing notice sent to the official newspaper and local newspaper for publication.
- b. Notification of property owners within 500 feet of affected property.
- c. Staff review application and generate staff report.
- d. Mail information packets to the members of the Board and post on County website.
- e. Mail agenda, the staff report, and a copy of the information packet to the applicant.

Step 5 Board of Adjustment meetings are held the fourth Thursday of each month unless otherwise stated.

It is recommended that the applicant(s) or a representative attend the meeting to answer any questions the Board may have.

Step 6 Notice of the decision will be sent to the application. If the variance is granted, any related permits must be obtained through the Environmental Services Department. All variances are recorded with the property deed in the County Recorder's Office and a copy will be sent to the applicant.

Applicant _____
Variance File # _____

Parcel # _____
ES Staff _____

VARIANCE CHECKLIST

- Completed Application Page with the signature of the property owner.
- Fee \$ (_____)
- Septic Certification (if an SSTS serves the property and it is in the Shoreland Overlay District or the project involves increasing the number of potential bedrooms)
- A survey is recommended, but is required in the following situations:
 - The variance request involves a location wholly or partly in the shore or bluff impact zone.
 - The variance request is to encroach upon a side yard property line in any non-agricultural zoning district
 - When the lot area is less than half of the minimum lot size in the applicable zoning district.
 - Other circumstances as determined by staff.
- A structural engineer's report must be submitted when proposing to utilize an existing foundation for new construction or a second story addition.
- Building plans, to include existing and proposed additions and structures, including views of the front, rear, and sides of the project.
- Proposed Grading Plan: If the project is a walkout style structure or located on a steep slope or impacting a bluff impact zone, a grading plan is required. The specific information that will be required in the grading plan for the project will be determined by the ES department after reviewing your proposal.
- Impervious calculation worksheet or a certificate of survey showing the impervious surface calculation.
- Proposed stormwater management plan, when required by *Section 7.25* of Zoning Ordinance #439 or when proposed by an applicant to mitigate impacts to surface waters.
- Proposed vegetation removal plan and/or any proposed landscaping and screening plans.
- Site plan with the following information. All information checked must be provided. **The proposed project shall be staked out prior to submitting the application to Environmental Services.**
 - Location of all existing and proposed structures, their dimensions and setbacks from lot lines, the ordinary high water level, septic system and other structures.
 - Existing and proposed driveway, access road (s), off-street parking & sidewalks.
 - Location of septic system with setbacks related to the request, any wells and, when relevant, the location of neighboring wells.
 - Location of and dimensions of any proposed retaining walls that will result from constructing the proposed structure or SSTS system.
 - Other: _____



APPLICATION FOR VARIANCE

Stearns County Environmental Services Department
http://co.stearns.mn.us/Environment/LandUseandSubdivision
Stearns County Service Center - 3301 County Rd 138 - Waite Park, MN 56387
320-656-3613 or 1-800-450-0852

Application Fee: \$ _____ File #: _____ SSTS Cert # _____ Receipt #: _____

Property Owner _____	Phone _____
Address of Property _____	
Mailing Address _____	
Property Owner Email _____	
Applicant (if different than above) _____	Phone _____
Applicant Mailing Address _____	
Applicant Email _____	
Parcel ID Number(s) _____	

APPLICANT(S) MUST ANSWER AND SUBMIT THE FOLLOWING:

1. State exactly what is intended to be done on or with the property and why it does not conform with current Ordinances.

2. Describe, as shown on your site plan, what setback or size variances(s) you are requesting.

Dimensions _____	Lot Size _____	Impervious Lot Coverage _____
Total Height _____	Sidewall Height _____	Proposed Use _____

Setbacks from:

Road centerline and right-of-way _____	Property Line _____	Existing structures _____
Ordinary high water level _____	Bluff _____	SSTS tank _____
SSTS drainfield _____	Other _____	

3. What reasonable use of your property is lost (practical difficulties) by the strict enforcement of the related Ordinance.

4. Demonstrate how you attempted to minimize the degree of deviation necessary from the standard you are requesting a variance from and what alternatives exist.

5. I have reviewed the *Potential Variance Mitigation Requirements in Stearns County* information sheet included in the application packet, and have discussed any concerns or questions with staff. YES NO

6. Submit all information noted on the variance checklist that has been marked as required for this variance request.

7. Variance Granted By Township? (attach a copy) YES NO

I hereby swear and affirm that the information supplied to Stearns County Environmental Services is accurate and true. I acknowledge that this application is rendered invalid and void should the County determine that information supplied by me, the applicant, in applying for this variance, is inaccurate or untrue. Additionally, I acknowledge the continued validity of any variance that may be granted is contingent upon the compliance of all work being done according to the information herewith submitted and approved. Incomplete applications shall expire six (6) months from the date of application. Signature of this application authorizes Environmental Services Staff, Board of Adjustment and/or Planning Commission members, and County Board of Commissioners to enter upon the property to perform needed inspections and review. All have county-issued badges. Entry may be without prior notice.

Property Owner(s)'s Signature

Date

Applicant's Signature (if different)

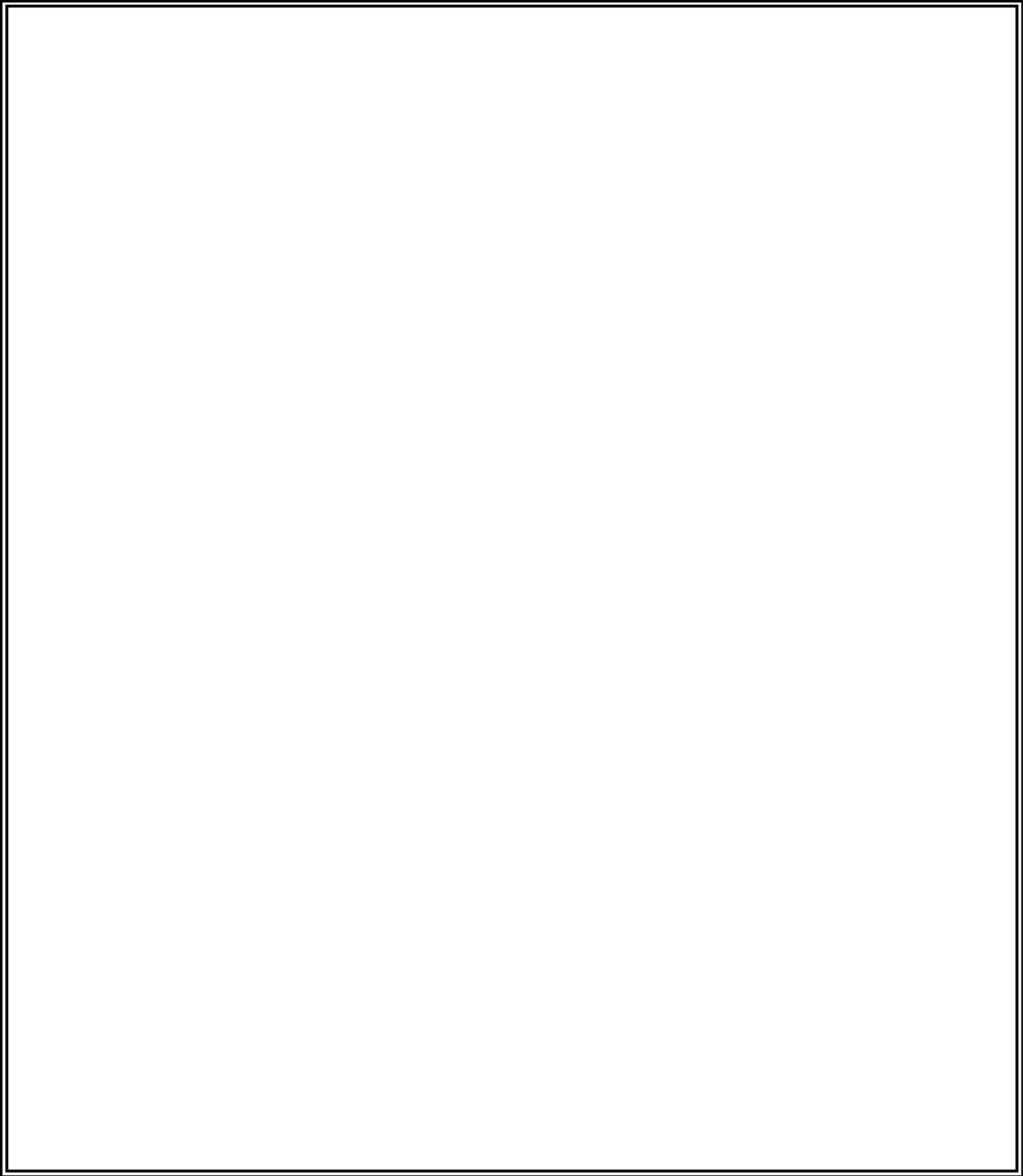
Date

Staff to Complete

Applicant requests variance from Section(s) _____ Of Stearns County
_____ Ordinance(s) No(s) _____

The intended use that does not comply with the ordinance(s) is: _____

**STEARNS COUNTY ENVIRONMENTAL SERVICES
BOARD OF ADJUSTMENT SITE PLAN (To Scale)**



➤ *Staff will discuss the findings of fact that the Board of Adjustment will use, with the applicant in relation to their specific variance request at the Pre-Application meeting, in an effort to help the applicant make a more informed decision about how they would like to proceed.*

**Stearns County Environmental Services
Board of Adjustment**

**FINDINGS OF FACT
SUPPORTING/DENYING A VARIANCE**

A variance may be granted only when it is in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan and where the strict enforcement of county zoning controls will result in practical difficulty. A determination that a “practical difficulty” exists is based upon the consideration of the following criteria as defined in Minnesota Statutes, Section 394.27. **Please answer the following questions as they relate to your specific variance request(s).**

1. In your opinion, is the variance consistent with the related Ordinance? Why or why not?	YES <input type="checkbox"/> NO <input type="checkbox"/>
2. In your opinion, is the variance consistent with the Comprehensive Plan? Why or why not?	YES <input type="checkbox"/> NO <input type="checkbox"/>
3. In your opinion, does the proposal put the property to use in a reasonable manner? Why or why not?	YES <input type="checkbox"/> NO <input type="checkbox"/>
4. In your opinion, are there circumstances/characteristics unique to the property and not due to conditions that are common within the landscape? If so, list what they are.	YES <input type="checkbox"/> NO <input type="checkbox"/>
5. In your opinion, is there room on the property to meet the requirements of the Ordinance without the need for a variance? Why or why not?	YES <input type="checkbox"/> NO <input type="checkbox"/>

6. In your opinion, will the variance maintain the essential character of the locality?
Why or why not? YES NO

7. In your opinion, does the need for the variance involve more than economic
Considerations? Why or why not? YES NO

The Board of Adjustment considers each of the elements listed above. If any one element is voted “no” in the majority, then the criteria for granting a variance, per Minnesota Statutes, Section 394.27, has not been met and the variance, as requested, cannot be granted.

Lot Coverage Calculation Worksheet

Lot coverage is limited to 25% of the total lot. **The total may not be larger than the maximum coverage calculation below.** Please be advised that if you are over the lot coverage allowance, you must reduce your coverage or apply for a variance before your proposed project will be permitted. Please calculate out all that apply to your situation. If an item does not apply, please leave it blank.

Proposed Structure(s)	Length (ft)	Width (ft)	Total (ft ²)
1.			
2.			
3.			
Existing Structure(s)			
House & Attached Garage			
House Only			
Detached Garage			
Other Structures <i>*All sheds, utility buildings, dog kennels, greenhouses, etc.</i>			
1.			
2.			
3.			
4.			
Deck(s)			
Driveway/Parking Areas <i>*Asphalt, cement, gravel</i>			
Sidewalk, Patio, Paving Stones			
Landscaping (plastic under rock)			
Other			
1.			
2.			

Total Coverage (ft²)	
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Lot Area (ft²):		X	25%	=	Maximum Coverage (ft²)	
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Lot Area: Calculate lot area by multiplying the length of the lot times the width. However, if the length and width vary, as in the example, take the average length and width:

Average Lot Width (ft):

Average Lot Length (ft):

Lot Area (sq. ft):

Or, if you know lot acreage, enter below:

X 43,560 sq. ft.

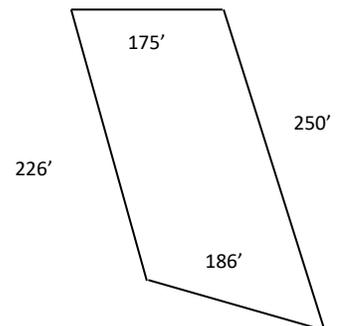
acres

Lot Square Feet

Example

Average Width: $175' + 186' = 361/2 = 181'$
 Average Length: $226' + 250' = 476/2 = 238'$
 Lot Size: (W) $181' * (L) 238' = 43,078$ sq. ft
 Lot Area: 43,078 square feet

Note: 1 Acre = 43,560 ft²



Potential Variance Mitigation Requirements in Stearns County

State Law/Stearns County Ordinance Requirements

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. The mitigation is often related to the impacts of stormwater generated at a location, but in all cases is an attempt to lessen the potential negative effects of construction on a property and neighboring properties. Preserving natural scenic beauty is also a consideration.



In the Shoreland Overlay District the goal is to reestablish, to the extent practicable, the water protection functions of the shore buffer area. A Shoreland Buffer provides wildlife habitat, prevents erosion, purifies runoff water, and provides an esthetically pleasing shoreline.

For variances on non-conforming lots of record in shoreland, particularly on riparian lots, and involving nonconforming structures, some of the items a property owner may be required to address in a variance request, when appropriate, are:

- Reducing the amount of impervious surface overall and/or in the shore impact zone
- Increase the setback of the nonconforming structure from what exists and/or is proposed
- Establish a specified area as a No Mow zone between the established building line and the water
- The vegetation shall not be sodding or lawn within a certain number of feet from the lakeshore
- Establish a native vegetation buffer between the established building line and the water. Within 40ft of and parallel to the water, or the shore impact zone, or a depth of 75% of the distance between the principal residential structure and the ohwl, whichever is less
- Planting trees and/or shrubs to screen a project (minimizing the visual and scenic impact)
- Implement erosion control for disturbed areas or to correct current erosion issues. The Board may require an Engineered SWPPP for some projects
- Stormwater management: require water to be guttered and directed to a designed raingarden or infiltration trench to accommodate the stormwater generated by a 1 inch rain event for the square footage of the roof of the structure requiring the variance



Stormwater management is one of the most important things that can be done to keep our lakes and rivers clean. The purpose is to protect surface waters and private property from damage resulting from stormwater runoff and erosion. Stormwater management helps ensure that site development minimizes the generation of stormwater and maximizes stormwater treatment and infiltration onsite, and protects water quality from nutrients, pathogens, toxins, debris, and thermal stress.

