



Community Development Department  
 7071 University Avenue NE  
 Fridley MN 55432  
 763-572-3592  
 Fax: 763-571-1287  
[www.fridleymn.gov](http://www.fridleymn.gov)

**VARIANCE APPLICATION FOR:**

**Residential** \_\_\_\_\_ **Commercial/Industrial/Multi-Family** \_\_\_\_\_ **Signs** \_\_\_\_\_

**Property Information**

Address: \_\_\_\_\_  
 Anoka County Property Identification Number (PIN #): \_\_\_\_\_  
 Legal Description: \_\_\_\_\_  
 Current Zoning: \_\_\_\_\_ Square footage of Parcel: \_\_\_\_\_

**Reason for Variance (one sentence summary, please attached full description)**

**Fee/Property Owner Information (as it appears on property title)**

**\*\*Fee owner must sign this form prior to processing**

Name (please print): \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Daytime Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 Cell Phone: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Signature/Date: \_\_\_\_\_

**Petitioner Information**

Company Name (please print): \_\_\_\_\_  
 Contact Person's Name (please print): \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Daytime Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 Cell Phone: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Signature/Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Fees

\$500 – R-1, Single Family Residential \_\_\_\_\_  
 \$1,400 – Commercial/Industrial/Multi-Family Residential/Signs \_\_\_\_\_  
 Application Number: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Received By: \_\_\_\_\_  
 Application Date: \_\_\_\_\_  
 15 Day Application Complete Notification Date: \_\_\_\_\_  
 Scheduled Appeals Commission Date: \_\_\_\_\_  
 Scheduled City Council Date: \_\_\_\_\_  
 60 Day Date: \_\_\_\_\_  
 60 Day Extension Date: \_\_\_\_\_

**VARIANCE APPLICATION  
SUBMISSION CHECKLIST**

The following shall be the minimum submission requirements when submitting a Variance. Applications will not be accepted if the following is NOT submitted.

**Residential Use**

Item	FOR OFFICE USE ONLY		
	Submitted	Complete	Reviewer's Initials
Completed application, with fee. (Applications are considered complete if all blanks are completed, and both the fee owner and petitioner have signed the application.)			
To scale certificate of survey, by a licensed surveyor. Showing north arrow, existing and proposed structures, legal description, adjacent street names, and buildings on adjacent lots within 10 feet of the common lot lines.			
Elevation of building and description of materials to be used on the building.			
Narrative of proposed use of the building.			
Detailed narrative with practical difficulties statement. To understand what constitutes a "statutorily defined practical difficulty", see attachment in this packet.			

**Commercial/Industrial/Multi-Family Use**

Item	FOR OFFICE USE ONLY		
	Submitted	Complete	Reviewer's Initials
Completed application, with fee. (Applications are considered complete if all blanks are completed, and both the fee owner and petitioner have signed the application.)			
To scale certificate of survey, by a licensed surveyor. Showing north arrow, existing and proposed structures, legal description, adjacent street names, and buildings on adjacent lots within 10 feet of the common lot lines.			
To scale site plan, showing building square footage, code compliant building and parking setbacks, lot coverage, and parking calculations.			
Elevation of building and description of materials to be used on the building.			
Narrative of proposed use of the building.			
Detailed narrative with practical difficulties statement. To understand what constitutes a "statutorily defined practical difficulty", see attachment in this packet.			
Code compliant landscape plan for all projects requiring a parking lot expansion of four (4) or more parking stalls.			
For those projects that will require a change in utilities, grading or drainage, the following items will need to be			

submitted:			
• Grading and drainage plan			
• Erosion control plan			
• Calculations for stormwater runoff			
• Calculations for excavation and/or fill			
• Utility Map (if item does not exist, note on plan) Water, Sewer, and Storm			

### Signs

Item	FOR OFFICE USE ONLY		
	Submitted	Complete	Reviewer's Initials
Completed application, with fee. (Applications are considered complete if all blanks are completed and both the fee owner and petitioner have signed the application.)			
To scale drawing of the proposed sign.			
To scale certificate of survey, by a licensed surveyor, showing the location of the sign if a free-standing sign. Or a building elevation showing the size and location of the sign, if a wall sign.			
Detailed narrative with practical difficulties statement. To understand what constitutes a "statutorily defined practical difficulty", see attachment in this packet.			

**Plans to be submitted should include three (1) FOLDED full size copies, with one (1) 11x17 to-scale reduction and one (1) 8 ½ x 11 reduction and an electronic pdf file via e-mail or USB Flash Drive.**

**The City reserves the right, based on a case by case analysis, to waive any of the above requirements.**

**The City also reserves the right, to require additional submittal items if it is deemed necessary to act upon the variance.**



## Community Development Department

### Variance Process

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The Variance (or Appeals) process begins by filling out a VARIANCE APPLICATION. A complete application, along with the necessary submittal requirements (found in this packet) must be submitted to the Planning Staff. A fee is associated with the application, either \$500.00 for a Residential Use or \$1,400 for all other types of Variances. Fees are non-refundable and are used for postage, publication of notices, and other expenses associated with the request.

Once the application is received, the application is reviewed by staff from the Planning, Engineering, Assessing, Fire, and Police Departments. The impacts to adjacent properties are discussed and if the application is considered complete, stipulations are developed. State Statute 15.99 gives City's 15 business days to review land use items, such as a Variance to determine if they are complete. If your application is considered complete, you will be mailed a letter to that effect, with the corresponding Planning Commission and City Council meeting dates. If your application is considered incomplete, staff will return it to you for completion.

If your application is considered complete, a mailing list of all properties within a 350 ft. radius of the property is generated. Notice of the request is then sent to those property owners within 350 ft. There are approximately four weeks between the application due date and the Appeals Commission meeting.

State Statute 15.99 requires that the City must approve or deny an applicant's land use application within 60 days.

Prior to the Appeals Commission meeting, a staff report including recommended stipulations is written with a staff recommendation.

The Appeals Commission is made up of five residents of the community. The meetings are held the 1<sup>st</sup> Wednesday of the month at 7:00 p.m. in the City Council Chambers at the Municipal Center. The Appeals Commission has the authority to make the final decision regarding residential variance requests, if there are no neighborhood objections and if the approving motion is passed unanimously. If there is anyone opposed to the issuance of the variance, the application is also reviewed by the City Council. All commercial, industrial, and sign variances must be approved by the City Council.

Once a decision has been made either by the Appeals Commission or the City Council, the City will mail the petitioner a letter stating the outcome of the request, with the corresponding stipulations or the findings of fact, if the variance is denied.

Additional information regarding the Variance process may be obtained by calling the City of Fridley Planning Department at 763-572-3595 or 763-572-3599.

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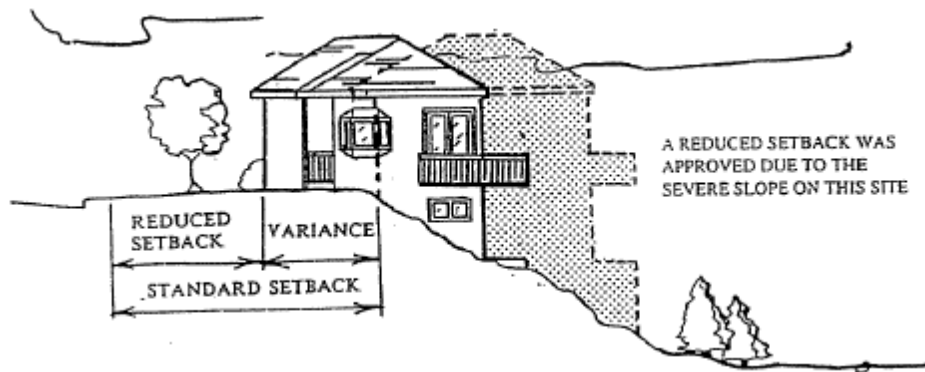


# Community Development Department

## Variance Practical Difficulty

### Variance – What is it?

A Variance is an exception granted by the Appeals Commission or the City Council from the literal provisions of the zoning ordinance, where there are unique conditions that do not apply to other areas in general. Putting it simple, a variance is a deviation from the zoning requirements.



The Appeals Commission is given the power to review variance requests. The Laws of Minnesota have given the Appeals Commission the following responsibilities:

1. To hear and decide appeals where it is claimed that there is a mistake in any order, requirement, decision, or determination made by a City Official enforcing the zoning ordinance.
2. To hear variance requests where strict enforcement of the code would cause **practical difficulties** as defined by law and to grant these requests when it is shown that the granting of the variance is in harmony with the general purposes and intent of the zoning ordinance and when consistent with the comprehensive plan.

Variations shall only be permitted when they are in harmony with the general purposes and intent of the official control and when consistent with the comprehensive plan.

Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

### ***Practical difficulties as used in connection with the granting of a variance, means:***

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute a practical difficulty if reasonable use of the property exists under the requirements of the code. The applicant should review all possible alternatives which would meet the code requirements prior to applying for a variance. If the applicant determines that sufficient practical difficulties exist, then a Variance Application may be filled out and submitted to the City of Fridley with the other necessary submittal items.