



City of Gem Lake

Heritage Hall

4200 Otter Lake Road | Gem Lake, MN 55110

651-747-2790/92 | 651-747-2795 (fax)

E-mail city@gemlakemn.org

Variance Request

The City Council, sitting as the Board of Appeal and Adjustment, may grant Variances from the strict applications of the provisions of the Land Use Ordinance and impose conditions and safeguards in the Variances so granted. These Variances shall be considered in cases where by reason of narrowness, shallowness, or shape of a lot or where by reason of exceptional topographic or water conditions or where other extraordinary and exceptional conditions such of such lot exist, the strict application of the terms Zoning Ordinance would result in practical difficulties upon the owner of such lot in complying with the regulations of the zoning district in which said lot is located. "Practical difficulties," as used in connection with the grant of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the Land Use Ordinance; 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. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems. A variance may not be granted to allow any use that is not allowed in the zoning district in which the property is located.

LICENSE APPLICATION CHECKLIST:

To prevent delay, please ensure the following information is submitted

- Permit Fee (if paying with cash we can only accept exact change)
 - \$500.00
- Site Plan
 - Building Locations (dwelling, garage, accessory building)
 - Site Improvements (fences, walks, lighting, decks, etc.)
 - Yard (front, side, rear, delineating setbacks)
 - Wetlands, lakes, streams, ditches, including 100 year storm elevation
- Schedule (when does applicant intend to construct)
- Additional information, if required
- Certificate of Survey, or full legal description

Applicant Information

Name: _____

Home Phone: _____ Cell: _____ Business: _____

Email: _____

Property Owner: _____

Site Address: _____

City: _____ State: _____ Zip: _____

Property is zoned as: _____ Existing use of the site: _____

Description of Variance being requested: _____

Setbacks:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of City of Gem Lake that all identifiable costs associated with a Variance Application within the City of Gem Lake shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Gem Lake planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the City of Gem Lake City Council, all expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the City of Gem Lake.

Applicant Signature: _____ Date: _____

Prior to applying for a variance it is recommended that the applicant contact the zoning administrator in order to discuss the proposal.

Data Practices Advisory (Tennessee Warning)

I understand that some of the information provided on this form will be public data. Public data is available to anyone who makes a request for such information. Under the Minnesota Data Practices Act, your address, email and/or telephone number are private data. You may choose not to provide some or all of this private data, but it may cause your variance request to be denied. By completing this information, you are consenting to allow the City of Gem Lake staff to share this information in order to administer Gem Lake Ordinances regarding variances. Please sign below to affirm that you have read this notice.

Applicant Signature: _____ Date: _____

Review Process

1. Submit 15 copies of application and supporting information to the City of Gem Lake. Also submit 15 copies of all plans which exceed 11" x 17" in size. Any application must be received three (3) weeks before the 2nd Tuesday of the month in which the applicant would like the Planning Commission to review the proposal (to allow for Public Hearing notice).

2. Planning Commission: 2nd Tuesday of the month at 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road.

Planning Commission Meeting Date: _____

3. City Council: 3rd Tuesday of the month at 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road.

City Council Meeting Date: _____

Standards

The City Council will approve a variance only if it satisfies the description on Page one (1), and the following facts are established:

- Without a variance, applicant would be deprived of rights commonly enjoyed by others in the same district
- The special circumstances do not result from actions of the applicant
- Granting the variance will not confer the applicant any special privileges
- Will not increase traffic congestion on public streets
- Will not endanger public safety
- Will not diminish established property value

Office Use Only

Date Request Received: _____ Date Application Complete: _____

Conditional Use Permit paid: _____ Cash Check

Check No.: _____ Receipt No.: _____

Conditions

Approval based on the following conditions _____

Date Variance Granted: _____

Date Variance Denied: _____