



Variance
(Minor)
Requirements

City of Chaska

One City Hall Plaza • Chaska, MN • 55318-1962 • Phone: 952-448-2851 • Fax: 952-448-9300

ELIGIBILITY for MINOR VARIANCE

A property owner may file an application for a minor variance if the variance meets any of the following requirements:

- a) If it relates to setbacks for driveway, garage, or swimming pool;
- b) If it is less than five (5) feet; or
- c) If it relates to the size and location of signs that deviate from the Ordinance by less than 10%.

FILING REQUIREMENTS

Unless waived by the Planning Department, you must provide all of the following items with the Variance application. An incomplete application will not be accepted.

25 copies (11"x17" – Drawings and 8½"x11" – Written Statements) of the following:

- | | |
|---|--|
| <input type="checkbox"/> Site Plan. | <input type="checkbox"/> Grading/Drainage Plan with existing and proposed two-foot contours. |
| <input type="checkbox"/> Registered survey (See Note #3). | <input type="checkbox"/> Building renderings/elevations specifying building materials and interior layout. |
| <input type="checkbox"/> Written Statement containing the following: | |
| <ul style="list-style-type: none">▪ Conditions that create a hardship (see hardship definition below) that would prohibit reasonable development without a Variance;▪ Conditions on the property that create a hardship that are not present on similar sized lots in the same area and zoning district; and▪ Relationships with abutting property that will not be adversely affected by the Variance. | |

Definition

Minnesota State Statute in Chapter 462.357, Subdivision 6, (2), defines "undue hardship" as: "... means the property in question cannot be put to a reasonable use if used under conditions allowed the official controls, 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 shall not constitute an undue hardship if reasonable use of the property exists under the terms of the ordinance...".

The general standards for approval of a variance are found in Section 14.8.1, of the Zoning Ordinance, which states the following:

“The City Council may grant variances from the literal provisions of this Ordinance where their strict enforcement would cause undue hardship 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 this Ordinance.

“Undue hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions required by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Ordinance. Variances shall be granted for earth-sheltered construction as defined herein when in harmony with this Ordinance.

The City Council may not permit as a variance any use that is not permitted under the Ordinance for property in the district where the affected person’s land is located. The City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The City Council may impose conditions in the granting of a variance to insure compliance and to protect adjacent properties.”

The following are some of the questions Staff will be asking with each variance request. Please ask yourself the following questions prior to submitting an application and when writing your statement on why the request should be approved:

- The variance shall not impair the health, safety, comfort and general welfare of the public?
- The variance shall not be contrary to the intent and purpose of the Comprehensive Plan, Official Map or any ordinances of the City?
- Variances shall not allow a use in a district that is not otherwise allowed?
- The variance should not be greater than necessary to accomplish the landowner’s objective?
- Are there alternative locations, development concepts or space requirements that would reduce or eliminate the request?
- The variance, if granted, would not alter the essential character of the locality (neighborhood)?
- Conforming to City Code, the property could not be put to a “reasonable” use?
- The variance would improve an existing non-conforming condition.
- The variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood?

PROCEDURE

1. The developer and consultants shall meet with Planning Staff to explain proposed project and to receive information from staff relative to the site, prior to commencing project design.
2. Consult with the Community Development Department to determine the ordinances and procedures that apply to your application. Request application packet from Planning Staff.
3. The applicant shall secure and present signatures from property owners contiguous to the affected yard for which the variance is requested, specifically noting awareness of the minor variance request. The Zoning Administrator shall determine the adequacy and accuracy of the names and addresses of such property owners.
4. The Minor Variance Board shall be composed of the Planning Director (or designee), Community Development/Code Administrator (or designee) and Building Official (or designee).
5. The Minor Variance Board shall unanimously recommend approval or denial of the application within five (5) days of filing with the Zoning Administrator. In the event the application is not recommended for approval by the Board, the applicant may proceed as provided in Section 14.8.3, and the original fee shall be applied to the fee as required for a standard variance.
6. If recommended for approval by the Minor Variance Board, the application shall be placed on the City Council's consent agenda within 21 days of filing. The Minor Variance Board may recommend conditions upon the approval, which relate directly to the variance request.
7. Within all shoreland areas defined by Subsection 6.2.2 of this Ordinance, a copy of every variance application along with supporting materials required by Subsection 14.8.2, shall be submitted to the Minnesota Department of Natural Resources and also shall have received at least ten (10) days notice prior to the meeting date to consider the variance.

NOTES

1. Try to discuss your proposal with adjacent property owners before you submit a formal application. Any conflicts that you can resolve ahead of time will make it easier and faster for the City to process your application.
2. The Planning Director may require a consultant, such as a traffic engineer, landscape architect, forester or appraiser, to review your application. If the Director requires a consultant's review, you must provide cash escrow to pay this fee. City staff will notify you if the Director requires a consultant.
3. A survey is required for all new construction and additions. If the pins that are generally located at the property corners can be located, a scaled drawing may be acceptable. Stake the location in the field of proposed building locations and lot lines.