



Case Number: \_\_\_\_\_  
Public Hearing: BOA & possible CC

# Variance or Appeal of Zoning Decision

## **Subject Property Information** *(please print)*

- Address: \_\_\_\_\_
- Parcel Number: 75 - \_\_\_\_\_ - \_\_\_\_\_
- **Complete legal description** - this may be obtained from the **county** or **title company**, or found on your **property deed** or in your **closing documents**.
  - Please submit legal description in a Word document. Without it, your application will be returned as incomplete.

## **Applicant Information** *(please print)*

Business/Company name: \_\_\_\_\_

Name: \_\_\_\_\_ E-mail address: \_\_\_\_\_@\_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip Code

Phone: \_\_\_\_\_

**Signature:** \_\_\_\_\_ Date: \_\_\_\_\_

## **Property Owner Information** *(please print)* Same as Applicant Different, as below *(Check one)*

Name: \_\_\_\_\_ E-mail address: \_\_\_\_\_@\_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip Code

Phone: \_\_\_\_\_

**Signature:** \_\_\_\_\_ Date: \_\_\_\_\_

All signature lines on all pages must be signed for the application to be considered complete.

Information will be sent via email unless otherwise requested.

**Application Fees**

\$275 fee and \$500 escrow

Fees

The application fees pay for administrative staff time related to the assembly and distribution of the application materials, administration of internal and public meetings, publication of the public hearing notice in the Elk River *Star News*, and for postage to mail the required notices to adjacent properties. These fees do not include professional staff review time, recording fees, or additional fees that may occur.

Escrow

The escrow is used to pay consultants for review of land use cases, hours applied to an application by professional staff, as well as recording and additional fees, where required. Staff hours may include time spent on review, site visits, documentation, presentations, meetings, and all inspections. Professional staff services are billed at \$60 per hour.

If the escrow is used in its entirety, the responsible party indicated in Billing Information will be billed monthly for additional services (see Agreement to Pay Costs of Review). Remaining balances will be refunded to the party that posted the escrow.

**Agreement to Pay Costs of Review**

It is the policy of the City of Elk River to require the party indicated in Billing Information for land use approvals and licenses to reimburse the city for costs incurred by the city in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the city. These costs include all of the city’s out-of-pocket costs for expenses, including the city’s costs for review of the application by the city’s environmental consultant, city engineer, planning staff, city attorney, or other consultants; recording fees, and necessary publication costs excluding public hearing notices. Additionally, these costs do include actual time spent by professional staff on a particular application.

If payment is not received with the application, the city may return the application for failure to comply with the requirements for processing the application or may suspend the application review process.

The city will invoice the party indicated in Billing Information for costs incurred after the escrow is depleted, and payment will be due within thirty (30) days.

Payment for costs will be required whether the application is granted or denied and unpaid fees may be assessed to property taxes, with penalty.

The undersigned has received the above policy regarding the payment of costs of review, understands that reimbursement to the city of costs incurred in reviewing the application will be required as set forth in the policy, agrees to reimburse the city as required in the policy, and make payment when billed by the city.

**Billing Information** Same as Applicant  Same as Property Owner  Different, as below  (Check one)

Name: \_\_\_\_\_ E-mail address: \_\_\_\_\_@\_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip Code

Phone: \_\_\_\_\_

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

**Public Information**

Except for personal information, all forms of correspondence to and from staff, consultants, city attorney, and public officials are considered public information.

## **Application Requirements**

Each of following applicable requirements (unless waived by staff) shall be submitted:

- ❑ Application fee
- ❑ **Full legal description** of the subject property **in an editable Word format**
- ❑ Site Plan showing all dimensions of proposed structure and proposed setbacks.
- ❑ For a variance: A typewritten narrative explaining what the application is for, how it exceeds the requirements, and how all five criteria for a variance (see page 2) are met shall be submitted.
- ❑ For a zoning decision: A typewritten narrative explaining why the applicant feels the zoning decision is in error.
- ❑ All submitted documents shall also be provided in a digital format (e.g. pdf, jpeg, doc, dwg) at a resolution of at least 300 dpi. Flash drives, CD's, and email are acceptable.
- ❑ All other information as determined by City Staff

In order for an application to be considered complete, all required information must be submitted by the application deadline. In accordance with state statute §15.99, subd. 3, the city is required to notify an applicant within 15 business days if information is missing. Complete applications will be processed in accordance with MN Statutes Chapter 462.358.

*I understand if all of the required/ requested information is not submitted within 15 calendar days after my application has been submitted, this application will be returned incomplete and the next application deadline will be the following month.*

**Applicant Signature:** \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

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This page is for the applicant's reference; it does not need to be submitted.

The narrative is your opportunity to describe, promote, and sell your proposal to the Board of Adjustment and City Council (if needed).

**Your typewritten narrative should explain your request in detail AND how the five bolded criteria below are met in order to be granted a variance.**

If the five criteria are not answered and submitted within 10 calendar days after the application has been submitted, the application will be returned incomplete and the next application deadline will be the following month.

- (a) A variance may be requested only by the owner of the property (petitioner) to which the variance would apply. A variance may not be granted which would allow the use of property in a manner not permitted within the applicable zoning district, provided that the board may grant a variance for the temporary use of a single-family dwelling as a two-family dwelling. In granting any variance, the board may prescribe conditions to ensure substantial compliance with this article and to protect adjacent property, including, without limitation, an expiration date. The violation of any written condition shall constitute a violation of the ordinance. No request for a variance may be resubmitted sooner than six months following denial. A variance shall become void within two years following issuance unless substantial action has been taken by the petitioner in reliance thereon.
- (b) A variance may be granted by the board only if it finds that:
  - (1) The variance is in harmony with the general purpose and intent of the ordinance.**
  - (2) The variance is consistent with the City of Elk River comprehensive plan.**
- (c) Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:
  - (1) The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;**
  - (2) The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction; and**
  - (3) The variance, if granted, will not alter the essential character of the locality.**
- (d) 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.

This page is for the applicant's reference; it does not need to be submitted.

### **Primary City Staff Resources**

Please contact any of the staff listed below if you have questions regarding the submittal requirements for your application:

*Planning Manager*

Zack Carlton  
763.635.1035  
[zcarlton@ElkRiverMN.gov](mailto:zcarlton@ElkRiverMN.gov)

*Senior Administrative Assistant*

Jennifer Green  
763.635.1032  
[jgreen@ElkRiverMN.gov](mailto:jgreen@ElkRiverMN.gov)

*Senior Planner*

Chris Leeseberg  
763.635.1033  
[cleeseberg@ElkRiverMN.gov](mailto:cleeseberg@ElkRiverMN.gov)

*Public Works Director/ Chief Engineer*

Justin Femrite  
763.635.1051  
[jfemrite@ElkRiverMN.gov](mailto:jfemrite@ElkRiverMN.gov)

*Environmental Coordinator*

Amanda Bednar  
763.635.1068  
[abednar@ElkRiverMN.gov](mailto:abednar@ElkRiverMN.gov)

*Stormwater Coordinator*

Brandon Wisner  
763.635.1054  
[bwisner@ElkRiverMN.gov](mailto:bwisner@ElkRiverMN.gov)

*Building Official*

Bob Ruprecht  
763.635.1066  
[bruprecht@ElkRiverMN.gov](mailto:bruprecht@ElkRiverMN.gov)

*Fire Marshal*

Cliff Anderson  
763.635.1110  
[canderson@ElkRiverMN.gov](mailto:canderson@ElkRiverMN.gov)

*Deputy Clerk*

Jessica Miller  
763.635.1004  
[jmiller@ElkRiverMN.gov](mailto:jmiller@ElkRiverMN.gov)

### **Additional Resources**

Elk River Municipal Utilities

*General Manager*  
Troy Adams  
763.635.1334  
[tadams@elkriverutilities.com](mailto:tadams@elkriverutilities.com)

Sherburne County

*Public Works Director*  
Andrew Witter  
763.765.3302  
[publicworks@co.sherburne.mn.us](mailto:publicworks@co.sherburne.mn.us)

Connexus Energy

[info@connexusenergy.com](mailto:info@connexusenergy.com)

CenterPoint Energy (Minnegasco)

Andrew Balgobin  
612.321.5480  
[andrew.balgobin@CenterPointEnergy.com](mailto:andrew.balgobin@CenterPointEnergy.com)

Jake Schwietering

763.785.5432  
[jake.schwietering@CenterPointEnergy.com](mailto:jake.schwietering@CenterPointEnergy.com)

Northern Natural Gas Company

*Senior Right-of-Way Agent*  
Bryan Kruger  
651.456.1735  
[bryan.kruger@nngco.com](mailto:bryan.kruger@nngco.com)

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## 2019 Planning Commission & City Council Meeting Schedule

For Review of Planning Applications

Application Deadline	Parks and Recreation	Planning Commission* and Board of Adjustments**	City Council
December 31	January 9	January 29	February 19(Tues)
January 28	February 13	February 26	March 18
February 25	March 13	March 26	April 15
March 25	April 10	April 23	May 20
April 29	May 8	May 28	June 17
May 28 (Tues)	June 12	June 25	July 15
June 24	July 10	July 23	August 19
July 29	August 14	August 27	September 16
August 26	September 11	September 24	October 21
September 30	October 9	October 22	November 18
October 28	November 13	November 26	December 15
November 25	December 11	December 17	Jan 21, 2020 (Tues)
December 30	January 8, 2020	Jan 28, 2020	Feb 18, 2020 (Tues)

\* Major revisions to projects as a result of the Wetland Technical Evaluation Panel review will cause a tabling to the following month's Planning Commission meeting.

### Applications requiring only City Council review:

- Administrative Subdivision (Simple Plat or Lot Split)
- Easement Vacation
- Final Plat
- Platted Exemption (Consent Agenda)

### Applications requiring both Planning Commission and City Council review:

- Appeal
- Conditional Use Permit
- Interim Use Permit
- Land Use Amendment
- Ordinance Amendment
- Preliminary Plat
- \*\* Variances – the Planning Commission meets as the Board of Adjustments  
*(Automatic appeal to City Council if denied)*
- Zone Change

**All required application materials must be submitted by the deadline.  
Incomplete applications will be returned to the applicant for submission during the  
next application cycle.**