

What Are the Steps in the Process and the Time Required?

1. Applications must be submitted a minimum of two weeks prior to the Planning Commission meeting. The Planning Commission meets the third Thursday of the month at 7:00 p.m. Prior to the meeting, the Planning Commission will:

- Notify you of the meeting date/time
- Notify neighboring property owners
- Receive and review a staff report

2. At the meeting, you can expect the following procedure:

- Planning Consultant presents report and findings.
- You present your project.
- Neighbors/interested parties may speak.
- Planning Commission votes to recommend approval or denial to City Council.

3. Following the meeting, the Planning Consultant prepares a resolution (which serves as the variance if approved) for the City Council based on the Planning Commission's recommendation. The Planning Commission chair notifies the City Council to put the application on the agenda for the City Council at their next available meeting and distributes the information packet to the City Council.

4. City Council hears the variance recommendation from Planning Commission and votes on it.

- If the variance is granted, the building inspector issues a permit and you may proceed with your project.
- If the variance is not granted, you may appeal to Hennepin County District Court (within 30 days of the date of the decision).

5. Once you have received the variance, it runs with property and must be recorded at Hennepin County. The City maintains a file record of your variance also. You are responsible for recording the variance, if approved, on your deed at Hennepin County. Following recording of the variance, you must provide proof by submitting a receipt to the City for its files.

What Else Might I Need to Know?

Information on permits can be found in the document "When Do I Need a Permit".

Please review the City of Medicine Lake's Zoning Ordinance and Comprehensive Plan which are available on-line. These documents contain important information for residents to be aware of.

Please contact any of your elected and appointed officials with questions!



Check the City's web site for more information:
www.ci.medicine-lake.mn.us

Disclaimer

This document is intended to be "user friendly." It does not contain actual City Ordinances but is an interpretation to make you aware of ordinances that may affect your proposed project. It may not be used as a legal document to support your position regarding a variance application. Medicine Lake City Zoning Ordinances are online at the City website: at www.ci.medicine-lake.mn.us.



This guide is prepared to help answer questions pertaining to variances and alert you to issues that you and your builder or architect should be aware of. It contains general information only. The City Zoning Ordinances are online at www.ci.medicine-lake.mn.us. Before beginning the design of your project, please contact your building inspector (the name and number are in the City of Medicine Lake phone directory), and review official city policies and codes. Time getting familiar with city codes and policies up front will be well worth the while in the end.

When Do I Need a Variance?

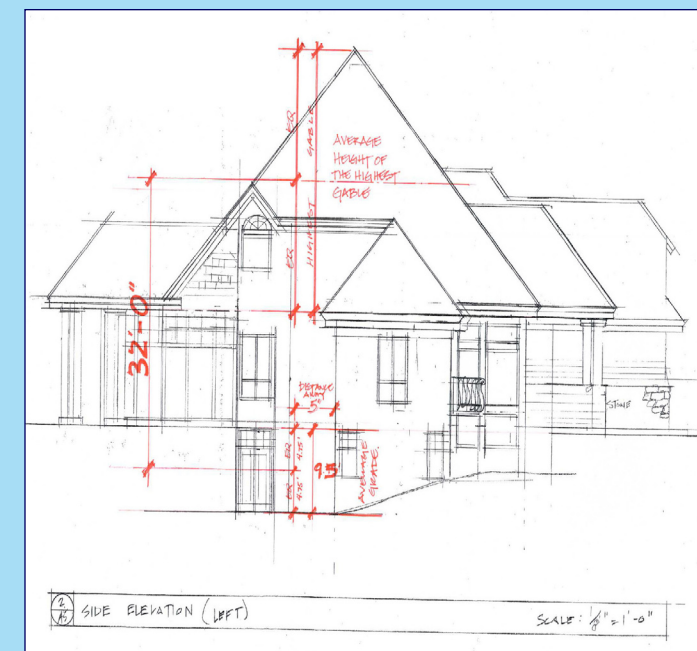
You need a variance when you plan an improvement to your property that does not meet City zoning requirements. These requirements most often relate to setbacks, hard surface cover or existing non-conforming lots. The following are some of the general standards to be familiar with when determining if you need a variance:

A. Setbacks

- Setbacks are measured from property lines and should be verified by a legal and accurate property survey done by a licensed surveyor.
- Residence side yards require a minimum setback of 7 feet to ensure access and safety for fire protection
- A detached garage requires a side yard setback of 3 feet
- Front yards include both the street side and lake side of homes. Minimum setbacks are 50 feet or as determined by the line-of-site (see illustration on page 3) in order to respect your neighbors' view of the lake
- Setbacks are found in Zoning Ordinance Section 3100—"R-1" Residential Single Family District

B. Easements

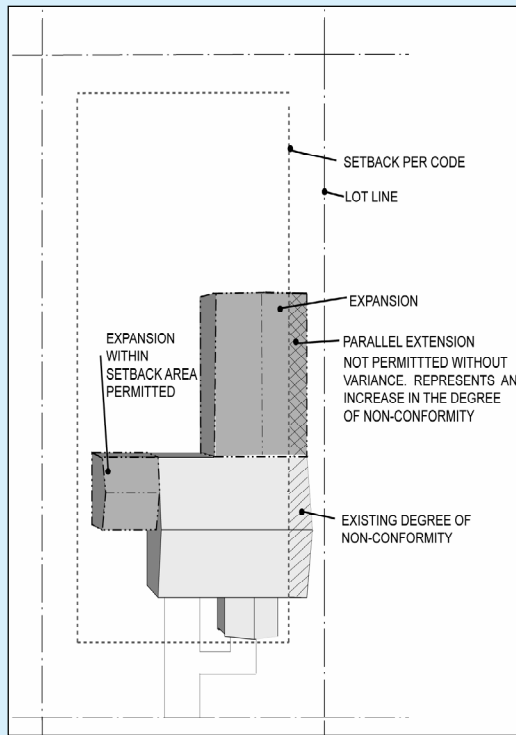
- The city has a 7½-foot easement on each side of the city sewer line. The city sewer line is on the lakeside of about one third of the properties in Medicine Lake. If you are unsure whether your property has a sewer easement, check with the City.



Measuring building heights is not a straight forward as it seems so check the zoning code definition and check with the building official.

C. Height restrictions

- Building height is defined as "the vertical distance from the average of the highest and lowest point of grade ...to the highest point of the roof." If your project is close to this, check with the building official to verify how it is measured.
- Maximum allowable height of a house is 35-feet.
- Maximum allowable height of a detached garage is 16-feet



An example site plan showing a non-conforming structure and when a variance would be needed (shaded area with a cross hatch). See Section 900 of the Zoning regulations.

D. Impervious (hard) surface restrictions

- Maximum 40% of property surface can be covered with impervious or hard surface material. Limiting hard surfaces reduces the amount of water run-off into the lake and allows for groundwater to get back into aquifers. Your design must take into account appropriate drainage as well. Consider incorporating rain gardens into your design.

E. Floodplain restrictions

- Special permits and mitigation may be required if any part of the property is in a floodplain area.
- The lowest floor, including basement floor, must be at least one (1) foot above the 100-year floodplain elevation. Currently, the 100-year floodplain elevation is considered 890.2 feet.

When Would a Variance Be Granted?

Variations from the zoning standards can be granted only if “their strict enforcement would cause undue hardship because of *circumstances unique to the individual property* under consideration” and will be in keeping with the spirit and intent of the Zoning Ordinance. Variations are processes regulated by State law. Each variance is granted based on the unique circumstances of the project, not based on what may have been approved or denied in past variance cases.

Who decides if a Variance is granted?

Variations are required to be considered by the Planning Commission and City Council in a public meeting. The Planning Commission recommends action to the City Council, who ultimately approves or denies the variance.

What Are the Criteria Governing Variance Considerations?

In considering variations, the Planning Commission and City Council follow a set of criteria established in Section 500 of the Zoning Ordinance. Generally, these criteria are in place to minimize negative impacts to the community and adjacent property and address such factors as blocking of sunlight, traffic congestion, public safety and fire access, property values and consistency with the City’s Comprehensive Plan.

Planning Commission and City Council will be looking for the applicant to demonstrate that there is a hardship which exists if:

- There are special conditions and circumstances that are peculiar to the land, structure, or building involved;

- The request is a reasonable use that without a variance would not be allowed; and
- Financial hardships are not the only hardships requiring the variance.

When is a Variance Appropriate?

A variance is appropriate in cases where the literal interpretation of the ordinance would deprive property owners of rights commonly enjoyed by other properties in the same district, or deny them the ability to put their property to a reasonable use. The special conditions and circumstances causing the undue hardship must not be a result of a prior action of the person applying for the variance.

Variations cannot be issued for a specific use that is not permitted in a particular zoning district. I.e. one cannot request a variance to establish a business in a residentially guided and zoned area.

How Do I Apply for a Variance?

A variance application form may be obtained from a member of the Medicine Lake Planning Commission or online at the city website. Refer to the City of Medicine Lake phone directory to obtain names and numbers of your Planning Commission members.

Is There a Charge for a Variance?

Yes; the cost of a variance is based on the complexity of the project with a minimum charge of \$200. This fee is to help off-set the costs incurred by the City in processing the applications. An escrow deposit of \$500 is also required. The escrow fee is intended to cover extra review costs the City may incur for complex requests. Portions of the escrow that are unused may be refunded to the applicant.

What Information Should I Provide When Applying for a Variance?

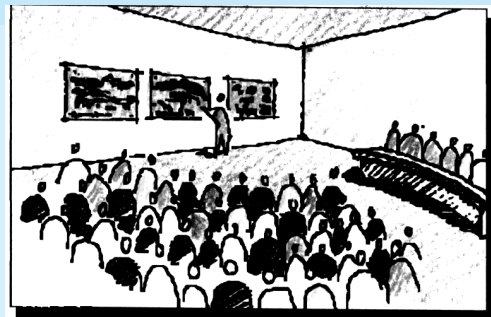
Information needed for processing variations is included in Section 500 of the Zoning Code and on the application form. Copies of the materials submitted will be distributed to the full Planning Commission and

the City’s Consultant Planner. In general the following information is needed:

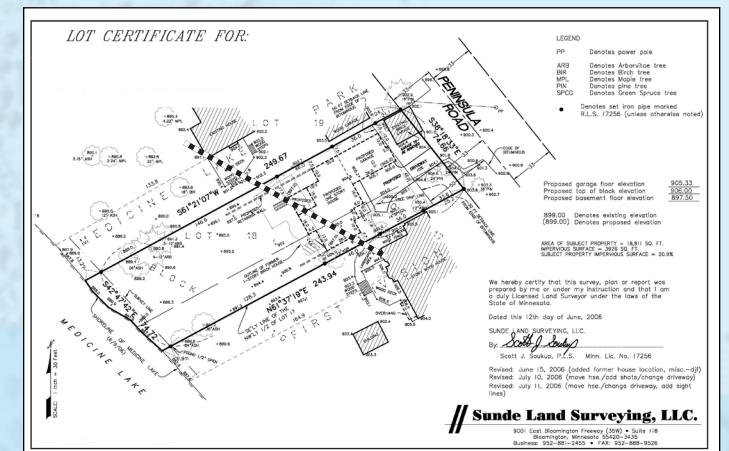
- A Certificate of Survey of your property that shows adjacent homes, your home with potential changes (i.e., any proposed addition to your home), low floor elevation points and contours.
- A narrative describing your project and how it meets the criteria established in Section 500 of the zoning ordinance.
- Copies of any additional supporting materials that you feel will assist the Planning Commission and City Council in their deliberations.

Functioning as the City’s professional staff, the consultant will:

- Check to be sure the application is complete and coordinate reviews as needed by the City Engineer, Fire Chief and Building Official.
- Alert the Planning Commission that the variance will be on an upcoming Planning Commission meeting.
- Prepare a report and e-mail it to Planning Commission members, applicants and neighbors.
- Coordinate reviews by other governmental jurisdictions when necessary.



Variations are first heard at a Planning Commission meeting where presentations are made with members of the public in attendance. Ultimately, the decision of approval or denial is made by the City Council.



The above is an example of a survey showing needed information to evaluate variance applications. The dashed line illustrates line-of-sight setback.