

## VARIANCE APPLICATION & PUBLIC HEARING PROCESS

- If the variance is for a new structure, or an addition to an existing structure, make sure the property is not in a flood zone area; if it is **STOP!** An Elevation Certificate from a licensed surveyor/engineer will need to be provided stating the lowest floor level of the structure (including the basement) is at least one foot above the base flood elevation (BFE) for that area and you must have information showing the site is not in a floodway. If the Elevation Certificate shows the site to be at an acceptable elevation, the process may continue. If it is lacking in elevation, you may still be able to go through with a variance as long as you are not in a flood way (this information typically comes from the DNR by request of the County) but there are then regulations under the Flood Plain Ordinance for the County that would also be adhered. (Even if an Elevation Certificate is received that shows the site one foot above the BFE, the property owners should still be advised that their lender may require flood insurance. They may be able to apply to FEMA for a Letter of Map Amendment (LOMA) as well.)
- Attach a digital map of the property with the flood zone information & proposed property highlighted, as well as the location of any proposed structure, to the application (County staff can assist with this.)
- The property **MUST BE IN THE APPLICANT'S OWNERSHIP** or they need to be able to provide a recorded document showing it in their ownership, and **THE TAXES MUST BE CURRENT ON THE PROPERTY IN ORDER TO APPLY.**
- The property owner **MUST** sign and date the application. As much detail as possible should be included in the application to provide the Board of Adjustment a good understanding of what is proposed and where the practical difficulties lie.
- If applicable, a design for the septic system serving the property must be submitted, or
- A Certificate of Compliance (COC) on any system older than 5 years old, or that does not have a current COC on file with the Zoning Office, must be submitted.
- A detailed drawing of the building site indicating all setbacks from roads, property lines, OHWL, and/or bluffs as they relate to structures on the property must be submitted, all structures located on the property and those proposed should be drawn in and identified, as well as the location of the well and the sewage system.
- Once the application is considered complete and is accepted by the County, along with the applicable fees, it will be set for public hearing. (Because the County has to adhere to state statute requirements for noticing, this will not take place immediately.) The property owner will also be contacted by staff to schedule a time to visit the property to take photos and review the reason for the variance request.
- Notices are sent out to both the local newspaper for the area in which the property is located as well as the official County newspaper, if different. Notices are also sent to the Township in which the property is located and to any municipality within 2 miles of the property. Notice is also sent to adjacent landowners to the property or to the nearest 10 property owners, whichever is more. Depending on the circumstances, notice may also be provided to the DNR, MPCA, County SWCD, County Highway Department or any other state or local agency who may have an interest.
- Public hearing is held by the Board of Adjustment (BOA) and provides the public with an opportunity to comment on the application either in favor or in opposition. The BOA has a specified set of criteria that must be met in order to grant the variance request and may question the applicant at length to get a good understanding of whether or not facts have been provided that demonstrate the criteria has been met by the applicant.
- **SOMEONE MUST BE PRESENT TO REPRESENT THE APPLICATION AT THE HEARING!** If no one is present, the application may be 1) tabled for the following meeting, if it can meet the statutory limit on time in which to act on the application, which is 60 days; or 2) denied due to lack of information and no one present.
- The BOA may act on the application immediately or they may choose to adjourn the meeting and select a time to meet at the property in question to view the property themselves prior to making a decision.
- The decision of the BOA is final, except that it may be appealed in District Court within 30 days after the notice of approval or denial by any aggrieved party.