



WHAT IS A VARIANCE?

Wadena County has been county-wide zoned since 1971 when it adopted its Zoning Ordinance. A variance is a request for an "exception" to the rules that are set forth in the Ordinance. In other words, it is a way to not have the rules apply fully to your project if a variance is granted.

WHY IS IT SOMETIMES NECESSARY?

Sometimes a landowner wishes to develop or improve their property but because of some uniqueness or pre-existing condition (something that existed before the adoption of the Ordinance), they are not able to meet all the requirements of the Zoning Ordinance. When this happens, the County allows the property owner to apply for an exception to the rules, or a variance, as a means to possibly alleviate the difficulty they would otherwise have. For example, a home was built prior to 1971 at a setback from the middle of a county road of 70 feet. Today the property owner wishes to add onto the home but they cannot meet the 100 foot setback with the addition. This pre-existing condition has created a "practical difficulty" for the owner.

WHERE & HOW DO I APPLY?

Applications for a variance from the Ordinance can be obtained from the Planning & Zoning Department for Wadena County. The application contains a variety of questions that must be answered thoroughly in order for the Board of Adjustment to decide if an applicant truly has a "practical difficulty" or "hardship", if the variance would change the character of the surrounding area, and if it would be in harmony with the intent of the Zoning Ordinance, even though it may not meet all of the requirements, as well as the intent of the County's Comprehensive Plan.

Besides the application, Zoning staff may want to meet with the property owner at the site to take photographs, measurements, and gather other pertinent information for the Board of Adjustment prior to the hearing.

Other information may be asked to be provided, and a current Certificate of Compliance for all onsite sewage treatment systems on the property will be required with the application as well. BE AWARE, if a system is found to be failing or non-compliant, the property owner will be required to update the system within 10 months of the date of the Notice of Non-compliance.

Expect to pay a non-refundable fee which applies to this process to assist in paying for the cost of the public hearing and notices, as well as the cost to have an existing septic system inspected.

WHAT IS THE CRITERIA FOR OBTAINING ONE?

In the granting of a variance from the Zoning Ordinance, the Board of Adjustment takes each of the following into consideration:

- That there are practical difficulties, special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity;
- That the property owner is proposing to use the property in a reasonable manner not permitted by the official controls;
- That the practical difficulty is unique to the property and not caused by acts of the property owner;
- That the variance would not alter the essential character of the locality;
- That the granting of the variance is not based solely on economic conditions;
- That the granting of the variance is in harmony with the basic intent of the Zoning Ordinance;
- That the granting of the variance is in harmony with the County Comprehensive Plan.

WHEN WILL MY APPLICATION BE HEARD AND BY WHOM?

Notices for the public hearing on an application are sent to the local newspaper, the official county

newspaper, the township, a municipality located within 2 miles of the property in question, any other agency who may have an interest, as well as adjoining property owners, or the nearest 10 property owners, whichever is more.

The Wadena County Board of Adjustment is a quasi-judicial board which has the exclusive right to grant variances from the Zoning Ordinance if they are able to find that practical difficulties exist. The burden of proof is on the applicant in all cases.

Application deadlines are generally the last Tuesday of each month, with the public hearing being held the third Thursday of the following month at 7:00 p.m. in the Multi-purpose room of the Wadena County Courthouse located at 415 Jefferson Street South, Wadena, MN 56482. Entrance to this hearing may be gained through the Sheriff's Department entrance only. Applications are heard in the order in which they were obtained by the Zoning Office.

WHAT ARE MY CHANCES?

Just because you apply for a variance and pay the fee does not guarantee the variance will be granted. Again, the Board has to be able to produce findings to justify the granting based on the criteria previously stated.

If a potential applicant is unable to provide proof of this criteria, perhaps it would be best to try and find a viable solution to their dilemma without going through this sometimes difficult process.

For questions or further information, please contact:

Wadena County Planning & Zoning
415 Jefferson Street South
Wadena, MN 56482
(218) 631-7604



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COUNTY OF WADENA – BOARD OF ADJUSTMENT

APPEAL FOR VARIANCE

NOTE: In order to grant a variance from the Zoning or Subdivision Ordinance, the Board of Adjustment is required to make written findings of facts based on the information the applicant provides and information gained at the public hearing to show:

- 1) That there are practical difficulties special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity;
2) That the property owner is proposing to use the property in a reasonable manner not permitted by the official controls;
3) That the practical difficulty is unique to the property and not caused by acts of the property owner;
4) That the variance would not alter the essential character of the locality;
5) That the granting of the variance is not based solely on economic conditions;
6) That the granting of the variance is in harmony with the basic intent of the Zoning or Subdivision Ordinance, and
7) That the granting of the variance is in harmony with the County Comprehensive Plan.

It is your responsibility to provide these facts in your application to the Board of Adjustment to use in their decision making process. With this in mind, please complete the following information and questions:

Owner(s) as listed on tax statement:
Owner's Phone Number:
Owner's Address:
Legal description of property where variance is requested:

Zoning District in which the property is located:
Property address where variance is requested:
Date of Current Certificate of Compliance for Septic System:
Are the property taxes on this parcel of property up-to-date? () Yes () No

REQUEST FOR VARIANCE FROM Section of the Wadena County Ordinance, as amended, which requires:

Please answers the questions below, and use additional paper if necessary. Please attach a detailed drawing of the property, including: the dimensions of the parcel, existing & proposed buildings and their setbacks from property lines, roads, and waters of the state. Please also attach any other information or documents which you feel would help support your application for variance.

- 1) What changes are intended to be made on the property, which do not meet the requirements of the Ordinance?
2) If the current requirements of the Ordinance are applied, what practical difficulty, other than financial, is created for you as the property owner?
3) What kind of problems exist on or with your property, not generally found on other properties, that do not allow you to conform with the current provisions of the Ordinance?
4) Is the need for the variance a result of something you, as the property owner, did prior to requesting this variance? Please explain your answer.
5) In your opinion, do you think what you are proposing will alter the essential character of the general area? Please explain your answer.
6) In your opinion, do you think this requested variance will cause a problem for any property or property owners in the neighborhood, and, what benefits, if any, do you think would be realized if this variance were granted? Please explain both parts of this question.

I, the undersigned, certify that I am the owner of the above described property. I understand that the County may require additional information for this application prior to the public hearing. By signing this application, I agree to provide any and all information requested by the County prior to the day of the public hearing on my application. . I understand that the fee involved in making an application for a variance is non-refundable and separate and apart from any further permitting process. I also understand this application is for the Variance process only and a permit to allow construction, if applicable, is necessary if this Variance is granted and I further understand, a Variance granted by the Board of Adjustment may be revoked if no action has been taken to complete the proposal requested in the application for Variance within a period of thirty-six (36) months from the date of the public hearing in which the Variance was heard and granted.

Date:

Owner's Signature: