

VARIANCE PERMIT PROCESS

Step 1: If it is determined by the City Planner that a variance will be necessary to proceed with a development, an application must be filed along with a site plan to the City Planner. An application fee in the amount of \$200 must accompany the completed application form. The City Planner will notify affected property owners of the variance request. If the fee is not paid, no action will be taken by the Planning Commission.

Step 2: The applicant(s) should develop a site plan to be submitted with the application. (Site Plan requirements include the site size and location; use of adjacent land; the proposed size, bulk, use and location of buildings; the location of yards and accessory structures). Proposals may be reviewed by the Development Committee, which meets every Tuesday. Application and all relevant materials should be submitted at least three (3) weeks prior to the scheduled meeting date.

Step 3: The request will be placed on the Farmington Planning Commission agenda. The Farmington Planning Commission meets on the second Tuesday of each month (special meetings are held on the fourth Tuesday if necessary and called by the Planning Commission Chair).

Step 4: Planning staff will prepare a staff report for each request received. Staff reports will be provided to the Planning Commission and the applicant(s) prior to the Planning Commission meeting.

Step 5: The Planning Commission will hold a public hearing. The Planning Chair will first introduce the application and staff will present their report. The Planning Chair will request if the applicant(s) has any additional comments to add to the report. The Commission will review and consider a variance in which a hardship is claimed by the property owner that is in relation to the property. A hardship claim can not be monetary.

The Board of Adjustment may vary the regulations of this Title if all of the following requirements are met:

1. Because the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the regulations of this Title would cause undue hardship. Economic consideration alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Title.
2. The conditions upon which a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other properties within the same zoning classification.
3. The alleged difficulty or hardship is caused by this Title and has not been created by any persons presently having an interest in the parcel of land.
4. The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values.
5. The proposed variance will no substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or public safety.
6. The requested variance is the minimum action required to eliminate the hardship.

The Commission will vote to approve, deny, approve with conditions or table each request. The Planning Commission will attach conditions to their recommendation of approval to ensure that a proposal will not negatively affect surrounding property owners.

All actions taken by the Planning Commission are final. The applicant or petitioners may choose to file an appeal to be heard by the City Council.

Step 6: If the variance is approved, the applicant may then apply for a building permit to be reviewed by the City Building Inspector. The City Clerk will record the application with Dakota County Property Records.