



City of Marine on St Croix  
 121 Judd Street  
 Marine on St Croix, MN 55047

## ZONING VARIANCE

Variance applications include requests for modification or relaxation of the requirements found in the City Zoning Code pertaining to a specific piece of property. In order for the City Council to grant a variance, the applicant must demonstrate *Practical Difficulties* for the site.

*Practical Difficulties* are defined as:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the property owner is due to circumstances unique to the property and not created by the owner; and
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone do not constitute practical difficulties.
5. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

No variance may be granted that would allow any use that is not allowed in the zoning district in which the property is located. If a property owner would like to use their property in a way not currently allowed by Code, they will need to request a zoning code text or map amendment.

If the variance request is approved, the City Council may place conditions on the approval to ensure that the project is completed in a way that adheres to City policy and protects the health, safety, and general welfare of the City.

Applicable Zoning Code Sections	
801	Common Procedures
806	Variance
402.4	Application procedures for Lower St. Croix River District

### Required Submittal Materials

Consult with Zoning Administration Staff to determine which ordinances and procedures apply to your application. Unless waived by Zoning Administration Staff, you must provide all of the following items with variance applications. Incomplete applications will be rejected.

*AP – Applicant checklist; CTY – City checklist*

City of Marine on St. Croix Variance Application

AP	CTY	MATERIALS
<input type="checkbox"/>	<input type="checkbox"/>	<p>A Boundary Survey of an area including the property in question showing the following information (as applicable):</p> <ul style="list-style-type: none"> <li>▪ Legal description and street address</li> <li>▪ Parcel size in acres and square feet</li> <li>▪ Existing utilities</li> <li>▪ Lot boundaries and dimensions</li> <li>▪ Outline of “building pad” setbacks</li> <li>▪ Existing structures</li> <li>▪ Existing impervious surface calculations (percentage and square footage)</li> <li>▪ Easements</li> <li>▪ Foliage</li> <li>▪ Topography</li> <li>▪ Waterways</li> </ul> <p>Soil tests may be required when pertinent to siting a building or on-site sewer system.</p> <p>COPIES: 1 paper copy, 1 digital submission</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>Preliminary building and site (scaled) development plans (as applicable):</p> <ul style="list-style-type: none"> <li>▪ Proposed structure locations and dimensions</li> <li>▪ Proposed impervious surface calculations (percentage and square footage)</li> <li>▪ Distance between structures</li> <li>▪ Dimensional parking and loading arrangement</li> <li>▪ Vehicular and pedestrian access and egress</li> <li>▪ Surface drainage plan</li> <li>▪ Landscaping</li> <li>▪ Utility plan</li> <li>▪ Screening, size, and location of all signs</li> <li>▪ Sections and outline material specifications</li> </ul> <p>COPIES: 1 paper copy, 1 digital submission</p>
<input type="checkbox"/>	<input type="checkbox"/>	Elevations indicating building height on all sides – existing and proposed
<input type="checkbox"/>	<input type="checkbox"/>	Floor plan – existing and proposed
<input type="checkbox"/>	<input type="checkbox"/>	Delineate all wetland, bluffs, easement and driveways, trees and streams
<input type="checkbox"/>	<input type="checkbox"/>	Narrative explaining the need for the variance and a description of the practical difficulties unique to the property that supports the variance (see Section 806.2)
<input type="checkbox"/>	<input type="checkbox"/>	Proof of ownership of the property
<input type="checkbox"/>	<input type="checkbox"/>	Completed application form
<input type="checkbox"/>	<input type="checkbox"/>	Paid application fee (see fee schedule)
<input type="checkbox"/>	<input type="checkbox"/>	Additional materials as requested by City Staff

## **Review Procedure**

Before applying, it is recommended that the applicant meet with Zoning Administration Staff to explain their situation, learn the procedures, and obtain an application form. The applicant may then pursue a pre-application meeting with the Planning Commission to identify the initial thoughts or concerns, potential review criteria, and information required to be submitted with the application. Following this meeting, the applicant may then work with representatives from the Planning Commission to confirm the land use requests that will be needed and answer any questions pertaining to submittal requirements.

Following these preliminary meetings, the applicant may submit an application and all required materials to the City. Once the application is deemed complete by Zoning Administration Staff, the Planning Commission will set a date for the public hearing and identify two representatives to review the application materials in more detail. On the date specified, the Planning Commission will hold the public hearing and consider the application, testimony of the applicant, all exhibits, public comment, staff reports, and other evidence. At the close of the hearing, the Planning Commission will make a recommendation on the request by motion to the City Council. After the Planning Commission makes its recommendation, City Council will review the application and decide to approve, deny, or conditionally approve the application. Unless excused by the Planning Commission Chair or Zoning Administrator, the applicant or representative of the applicant must attend all relevant meetings in order to answer questions from the Planning Commission or City Council.

## **Notes**

1. The application and related materials are due by the published deadline (available from the Zoning Administrator).
2. All plans, applications, and written information become public information once filed, and will be used in the Planning Commission and Council staff reports and distributed to the public.
3. Submittal of an application grants the city permission to physically enter, inspect, and photograph the property.
4. The Planning Commission typically meets on the last Tuesday of each month to hold the Public Hearing and make a recommendation; the City Council typically meets the second Thursday of the following month to make the final decision.
5. Public notices will be published in the designated paper prior to the Planning Commission meeting and notice will be sent to residents within 350 feet of the subject property.
6. If approval is granted, you may apply for a building permit. Please note your project may require other permits / approvals from the city or other agencies (Watershed District, Washington County, etc).
7. If a variance is granted and not used within one year after the date of the Council approval, the variance will expire. If a final inspection (in the case of remodeling), or an occupancy permit (in the case of new construction), is not obtained within one year from the date that the building permit is issued, the variance also will expire unless extended by the city council.
8. By state statute the city has 60 days from the acceptance of an application deemed complete to review and rule on the application. If additional time is needed, the city may elect an additional 60-day review process (MN statute 15.99)

9. Approval for variances, if granted, may be subject to conditions imposed by the City Council (Board of appeals and adjustments) imposed at the time of approval.

**Key Dates – For Office Use Only**

	Pre-Application Hearing
	Applicant given deadlines and meeting schedule
	Materials received (complete/incomplete)
	Send notice of completeness/incompleteness to applicant within 10 workdays from date materials received. Copy notice to Mayor, Council, and PC members
	Date of 60-day deadline
	Notice of 60-day extension (if applicable)
	Planning Commission meeting (Public Hearing)
	DNR Notice

## City of Marine on St. Croix Variance Application

The City of Marine on St. Croix must address the questions below in order to determine if a requested variance is justifiable. As an opportunity for you to make your case for the variance(s), it is strongly recommended that the applicant respond fully and in detail to each of the following questions and data requests. If multiple variances are requested, provide information for each of the requests.

### **Establishing Practical Difficulty**

- The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance because:
- The plight of the applicant is due to circumstances unique to the property not created by the property owner because:
- The variance, if granted, will not alter the essential character of the locality because:

### **Establishing the requested variance will be in keeping with the spirit and intent of the Zoning Code**

- The variance, if granted, will be in keeping with the spirit and intent of the Zoning Code because:

### **Establishing requested variance will be consistent with the Comprehensive Plan**

- The variance, if granted, will be consistent with the Comprehensive Plan because:

### **Additional Information to be considered in review of a variance**

- Describe the effect of the variance, if granted, on neighboring properties and the neighborhood in general:
- Describe the effect of the variance, if granted, on supply of light and air to adjacent properties:
- Describe the effect of the variance, if granted, on traffic congestion in the public street:
- Describe the effect of the variance, if granted, on the danger of fire:
- Describe the effect of the variance, if granted, on the danger to public safety:
- Describe the effect of the variance, if granted, on established property values in the surrounding area

### **Additional Information to be considered in review of a variance within the Lower St. Croix River**

#### **Overlay District**

- Describe the effect of the variance, if granted, on the preservation of the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river:

## City of Marine on St. Croix Variance Application

- Describe the effect of the variance, if granted, on the maintenance of safe and healthful conditions:
- Describe the effect of the variance, if granted, on the prevention and control of water pollution:
- Describe the effect of the variance, if granted, on the location of the site with respect to floodways, floodplains, slopes, and bluff lines:
- Describe the effect of the variance, if granted, on the erosion potential of the site based on degree and direction of slope, soil type, and vegetation cover:
- Describe the effect of the variance, if granted, on the potential impact on game and fish habitat:
- Describe the effect of the variance, if granted, on the location of the site with respect to existing or future access roads:
- Describe the effect of the variance, if granted, on the amount of wastes to be generated and the adequacy of the proposed disposal systems:
- Describe the effect of the variance, if granted, on the anticipated demand for police, fire, medical, and school services and facilities:
- Describe the effect of the variance, if granted, on the compatibility of the proposed development with uses on adjacent land: