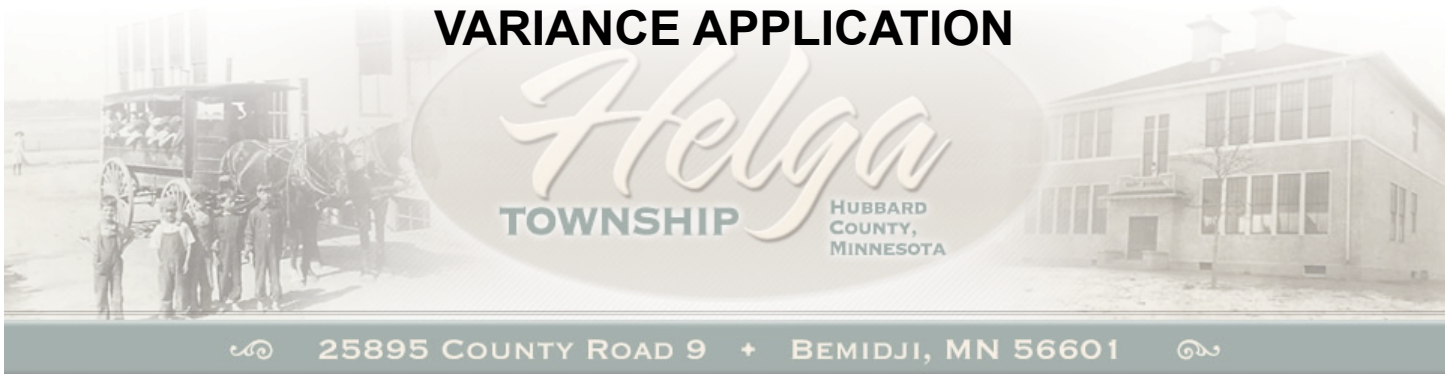


# VARIANCE APPLICATION



## **FACTS**

What is a variance? A variance is any modification or variation of official controls where it is deemed that, by reason of exceptional circumstances, strict enforcement of official controls would cause a practical difficulty.

When is a variance necessary? A variance is necessary when a landowner desires to undertake a project that will not comply with one or more ordinance regulations.

Who decides if a variance will be granted? The Helga Town Board acts as the Board of Appeals and Adjustment and rules on variance applications. This Board consists of the five elected officers each service 4-year terms. Any variance applications will be addressed each month during the regular town meeting.

How does the Town Board determine whether to approve a variance? The Town Board is legally required to use questions known as the "findings of fact" (along with applicable sections in applicable ordinances) to determine if a practical difficulty exists- which is the basis for granting a variance. The owner has the burden of demonstrating that sufficient practical difficulties exist, based on the following criteria, with respect to its property to justify the issuance of a variance. The Town shall consider the following criteria in determining whether to issue a variance:

1. The variance is in harmony with the general purposes and intent of this Ordinance and is consistent with the comprehensive plan;
2. The variance is consistent with the comprehensive plan;
3. The owner proposes to use the property in a reasonable manner not permitted by this Ordinance;
4. The plight of the owner is due to circumstances unique to the property that were not created by the owner;
5. If granted, the variance will not alter the essential character of the locality; and
6. Economic considerations are not the sole basis for the requested variance.

Questions 1-6 below are only used for ATF variance application findings of fact when the above 5 questions are all answered "yes".

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable official controls?
2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?
3. Did the applicant complete the work before being informed of the violation of applicable official controls?
4. Are there structures, circumstances, or conditions in the area similar to those that are the subject of the variance request?
5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?
6. Would the benefit to the township appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?

What is the process after a variance application is submitted?

1. Department reviews application: Complete applications are placed on the next available Town Board meeting agenda. Letters detailing missing information are sent to applicants who submit incomplete applications. Resubmitted applications, if deemed complete, are placed on the next available Town Board meeting agenda.
2. Meeting notice given: Landowners within 1/4 mile of the property will receive mailed notice of your variance application as will relevant government agencies. The meeting agenda is also published on the Town website and in the official Town legal notice newspaper.
3. Lot viewal: Based on the specific variance and site conditions, a lot viewal may be conducted by members of the Town Board and Planning Commission. Lot viewals are not formal and may be conducted at any time by members of the Town Board and Planning Commission. If special arrangements are required, or if you prefer the lot viewal is formally scheduled, you must coordinate with the Land Use Administrator.
4. Town Board meeting held: The Town Board will ask you to present your application. Audience members will also be allowed to comment on the application. The BOA may approve, deny, or table the application.
5. Apply for permits: If your variance is approved, the accompanying permit(s) must be obtained before starting your project(s). Please wait a few days after the meeting to apply for your permit(s) so the department can process the variance decision paperwork.

Must I attend the Town Board meeting? No. However, it is in your best interest to attend the meeting to ensure your project is properly explained and understood. If you are present, you will be given opportunity to present your project to the board.

## **INSTRUCTIONS**

1. Include a copy of your deed to the property. The "grantee" on the deed must match the current owner name in County records and the owner's signature on an Authorized Agent form or application form. Copies of your deed can be obtained from the Hubbard County Recorder's office (218-732-3552).
  
2. If the project being proposed in your variance application will affect a wetland and thus require review and approval through the Wetland Conservation Act (WCA), a copy of the written WCA decision on the project must be submitted. Please contact the WCA Administrator at the Hubbard County Soil and Water Conservation District (218-732-0121) for information on how to go through this process.
  
3. Your application must include a detailed written explanation of your proposed project. The explanation must state from what section(s) of what ordinance(s) a variance is being sought. It must also thoroughly explain the reason(s) why you feel you cannot comply with the section(s) of the ordinance(s). If you need assistance in identifying the applicable ordinances and sections, please contact the Land Use Administrator. Note: If a permissible option exists for your project(s), then a practical difficulty does not exist and the legal criteria for granting a variance cannot be met.
  
4. A site plan sketch or survey of your property must be submitted and show the following:
  - a. All lot lines with every line's dimension shown.
  - b. Location and dimensions of all existing and proposed structures.
  - c. Location of all existing and proposed wells and septic systems.
  - d. Location and dimensions of all existing and proposed driveways, roads, and easements.
  - e. Location and dimensions of any proposed grading/filling project.
  - f. Setback distances
  - g. If topography is unusual, show elevations and locations of bluffs, steep slopes, and wetlands.
  - h. Indicate which direction is north and the slope of the land.
  
5. Include at least two ground-level color photographs (4" x 6" minimum size) of proposed project site. The project area must be clearly staked, flagged, or marked by other means in the photos.
  
6. Accurate tax parcel ID #s must be given for the property on which the variance is sought. Parcel IDs are shown on your tax statement. They are also accessible on the online County tax parcel map found on the County website: [www.co.hubbard.mn.us](http://www.co.hubbard.mn.us).

7. SUBMIT APPLICATIONS TO:

Keith Kinnen  
Land Use Administrator  
22943 County 9  
Bemidji, MN 56601  
Email (preferred): keith@helgatownship.com  
Phone: (218) 841-3755

Applications must be complete and received by 5:00 p.m. on the Friday prior to each month's Town Board meeting in order to be included on the following Month's agenda. (Example: to be included on July's meeting must be submitted Friday prior to June's Board meeting). Applications found to be incomplete will be returned.

9. If your variance application is approved by the Board of Adjustment, you must still obtain all necessary permits before starting your project(s). You cannot obtain your permit on the same day that your variance application is acted upon. Department staff need at least two days to process your application paperwork before being able to issue the accompanying permit(s).

10. The applicant is responsible for securing any other required local, state, or federal permits.

### **APPLICATION CHECKLIST**

All of the following items must be submitted as applicable to each variance:

1. complete, signed application form.
2. copy of the property deed.
3. copy of written WCA approval (if applicable)
4. aerial view sketch or certificate of survey
5. side profile sketch of any proposed structures
6. ground-level color photographs of the project site.
7. payment for the application fee.

Note: To make sure your application is complete and thus accepted once submitted, it is highly recommended that you contact our office to discuss your project(s) and make sure you submit all the required information. Submitting your application by mail, email, or in-person to staff does NOT mean your application has been deemed complete and that it will thus be placed on the next available meeting agenda. After the application is submitted, it must still be reviewed by staff and found to be complete in order to be placed on the next available

**HELGA TOWNSHIP**  
HUBBARD COUNTY, MINNESOTA

**VARIANCE APPLICATION**

**OFFICE USE:**

Application # \_\_\_\_\_

Date Received \_\_\_\_\_

**1. APPLICANT DATA**

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Home/Work/Cell

Applicant Email Address \_\_\_\_\_

**2. PROPERTY DATA**

Site Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Primary Access Road: \_\_\_\_\_ Parcel ID #: \_\_\_\_\_

Legal Description (from deed, abstract, or tax statement): \_\_\_\_\_

\_\_\_\_\_

Identify all Articles/Sections/Paragraphs of the Helga Township Land Use Ordinance from which you are requesting a variance.

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Paragraph: \_\_\_\_\_ Description: \_\_\_\_\_

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Paragraph: \_\_\_\_\_ Description: \_\_\_\_\_

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Paragraph: \_\_\_\_\_ Description: \_\_\_\_\_

Explain your requested variance need(s): Give details of the type, size, and purpose of proposed changes. Explain why you cannot complete the project by permit as the burden is on the applicant to show a practical difficulty.

Attach additional sheets labeled "Variance Request", if necessary.

\_\_\_\_\_

### 3. ADJACENT LANDOWNERS

List names and addresses of all adjoining property owners and any property owners within 1/4 mile of the affected property. (attach separate list if necessary)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

### 4. APPLICANT STATEMENT

I have read and fully understand the above instructions. I hereby make application for a variance, agreeing to do all such work in accordance with Helga Township Land Use Ordinance. In making this application, I hereby affirm that I am the fee title owner of the above-described property or the authorized agent thereof, and I agree to this application and warrant and assert that I am authorized by ownership and/or law to apply for the variance in question. By signing this application, I hereby certify that the information contained in this application is a true, accurate and complete representation of facts and conditions concerning the proposed variance application. I hereby state and affirm that any and all applications, sketches, surveys, and all other attachments and documents submitted herewith are true and accurate. I understand that if any of the information provided by me in this application is later found or determined by the Township to be inaccurate, the Township may revoke the variance and/or any accompanying permit based upon the supplying of inaccurate information. I understand and agree that in making application for a variance, I am granting permission to Helga Township, at reasonable times and in a reasonable manner, to enter the land and premises that are the subject of this application to determine compliance of that application with any applicable county, state, or federal laws, statutes, or ordinances. I certify and agree that I will comply with any and all conditions imposed in connection with the approval of the application. I understand that I may be required to submit additional property descriptions, property surveys, site plans, building plans, or other information as deemed necessary by the Township for proper consideration of the request before the application is deemed complete or acted upon.

SIGNATURE OF APPLICANT(S):

APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_