

## Variance

### Requirements and process overview

Only certain items qualify for consideration of a variance under state statutes and the city ordinance. The St. Louis Park Board of Zoning Appeals (BOZA) may grant variances from the strict application of the provisions of the zoning ordinance provided that the shape or topography of the lot creates an undue hardship in developing it and that there are practical difficulties in complying with the ordinance.

An undue hardship means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls. Economic considerations alone do not constitute practical difficulties.

The variance must not negatively impact the health, safety and welfare of the community. It must remain in harmony with the general purpose of the zoning ordinance and must remain consistent with the comprehensive plan.

More detailed points of consideration are spelled out on the variance application.

### Before submitting

Before filing a variance application, the petitioner should meet with the zoning administrator to discuss the proposed petition and become familiar with the requirements of the application.

### Submittal checklist

- [Planning and zoning application](#), submitted electronically through ePermits.
  1. Click “Apply for Permit” in the upper left corner of the website.
  2. Register for an account as a “Plan Submitter” or login with a previously created account.
  3. On the Permits page, select “Planning & Zoning Application” under Planning Applications on the left side of the website.
  4. Click “I Agree – Apply for Permit” after reviewing permit information
  5. Provide the following information:
    - Primary property address
    - Your contact information, as the Plan Submitter
    - Type of work
    - Type(s) of application(s)
    - Current fee owner name and contact information
    - Addresses of all properties in the project
    - Property type
    - A concise statement summarizing the project to be published on the city website. This should be approximately 50 words.
    - Project’s current and proposed zoning district.
      1. To determine the existing zoning visit the [Official Zoning Map](#).
    - Acknowledgement and signature
- Supplemental information, submitted electronically through ProjectDox. Once you have applied with ePermits above, ProjectDox will email you with information on how to create an account and upload the following materials under the permit number created by ePermits:

- Contact information and signature of current fee owner of the property, consenting to the Plan Submitter to submit an application for their property.
- Number of variances being requested.
- A written explanation for each variance request as to how the proposed variance request complies with the criteria listed for granting a variance. The ordinance requires that the conditions below must be satisfied in order for the variance to be granted. Explain in detail how your case conforms to each of these requirements. Please be specific when addressing these items; the board must establish findings which support the application as it relates to each of the following:
  1. The effect of the proposed variance upon the health, safety and welfare of the community.
  2. The request is in harmony with the general purposes and intent of the zoning ordinance.
  3. The request is consistent with the comprehensive plan.
  4. The applicant establishes that there are practical difficulties in complying with the zoning ordinance. This means that:
    - a. The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items.
    - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
    - c. The variance, if granted, will not alter the essential character of the locality.
    - d. Economic considerations alone do not constitute practical difficulties.
    - e. Practical difficulties include inadequate access to direct sunlight for solar energy systems.
  5. There are circumstances unique to the shape, topography, water conditions or other physical conditions of the property.
  6. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right.
  7. The granting of the variance will not impair light and air to the surrounding properties, unreasonably increase congestion, increase the danger of fire, or endanger public safety.
  8. The granting of the variance will not merely serve as a convenience but is necessary to alleviate a practical difficulty.
- Survey and dimensioned plans submitted and numbered as specified in the [Electronic Plan Review Guide](#). The following information must be included:
  1. A survey of the property showing all property lines, existing and proposed structures, existing floodplain and easements
  2. A dimensioned plan showing the floor plan and elevations for all existing and proposed structures
  3. A map or plat showing the lands proposed for the variance and all lands within 350 feet of the boundaries of the property.
- A complete and accurate legal property description. If the property is Torrens, a copy of the most current certificate of title must accompany the application. If the property is not Torrens, a copy of the most recent document which transferred title (e.g., a warranty deed) must accompany the application.
- PDF of names and address labels of all property owners within 350 feet of the boundaries of the parcel requested to be changed. The source of the names and

addresses must be from Hennepin County. Visit <https://gis.hennepin.us/locatenotify/default.aspx> to create the mailing label package, including a map showing the notice area.

- Any supplementary information deemed necessary by city staff
  
- [Filing fee](#) (collected electronically through ePermits after staff have reviewed application materials uploaded into ProjectDox). Note, your application will not be found complete until the filing fee has been paid.

An application is not complete until all of the above items have been received and found to be in order by the zoning administrator.

### **After approval**

A building permit will not be issued until the variance has been approved and the 10-day appeal period has expired.