

# BECKER COUNTY VARIANCE APPLICATION

**What Is A Variance?** A variance is an exception to the established regulations of the Becker County Zoning Ordinance.

**When Is A Variance Necessary?** A variance may be necessary when a landowner wishes to build or develop his/her property and the rules of the ordinance prohibit him/her from doing so.

**Can Anyone Get A Variance?** No. The courts have stated that the applicant has the “heavy burden of proof” to show that there are no other options and that a “hardship” of the property exists.

## **Guidelines for Granting / Denying a Variance**

Please refer to the Chapter 8, Section 11-I of the Becker County Zoning Ordinance for the complete guidelines followed in reviewing a variance application. A summary of the guidelines follows:

- 1) Is the variance in harmony with the general purposes and intent of the official control?
- 2) Without a variance, is the owner deprived of reasonable use of the property?
- 3) Is the alleged hardship due to circumstances unique to this property?
- 4) Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowner?
- 5) Will the issuance of the variance maintain the essential character of the locality?
- 6) Does the alleged hardship involve more than economic considerations?

**Who Decides If I Will Get A Variance?** The decision as to whether or not a hardship of the property is substantiated is made at a Public Hearing conducted by the Becker County Board of Adjustments. The information provided by the applicant, site visit, report, staff recommendation, and public comment help determine whether or not a hardship has been demonstrated.

**When Will My Variance Be Decided?** The Board of Adjustments meets once a month to hear applications. Applications must be received by the Zoning Office one month prior to the scheduled hearing date to be processed. The Hearing process must follow State Statutes. A list of Hearing dates and application filing deadlines are enclosed.

**What Information Is Needed For A Variance?** A completed variance application consists of the following information:

- ✓ A completed application form with signatures of all owners and a brief description of the project and hardship. Examples: (1) A one-story house with walk-out basement located 85 feet from the lake; Due to depth of the lot, the 100 ft setback cannot be met; (2) 10 by 24 ft single story addition to an existing house located 5 ft from the side lot line; Due to the hill behind the house the addition can only be placed on one side.
- ✓ A detailed site plan, drawn to scale on grid or graph paper, showing the location of existing structures, proposed project, location of wells and septic systems, with all dimensions and distances shown, and location, dimensions, and distances for any impervious surface (asphalt, concrete, block sidewalks, driveways and patios).
- ✓ Complete legal description of the property with parcel number and 911 address (legal description can be found on the abstract or obtained from the County Recorders Office; parcel number can be found on the tax statement).
- ✓ Proof of Ownership (tax statement or purchase agreement).
- ✓ A copy of the Certificate of Compliance for the septic system or a site evaluation for the upgrading of the present system or installation of a new system.
- ✓ Minimum application fee of \$276.00 for a Variance in a Residential or Agricultural Zone; \$376.00 for a Variance in a Commercial or Industrial Zone.

**What Happens Once The Application Is Submitted?** Once the application has been submitted, it will be processed for the Public Hearing. Landowners within 500 feet of the property or a minimum of 10 nearest property owners (which ever number is greater) will be notified along with Governmental Agencies. Members of the Zoning Office and Board of Adjustment will inspect the property. At the regular meeting, the Board will hear testimony and discuss the hardship and the need for a variance. The Board usually makes their final decision at the Public Hearing.

The following on-site preparations must be done once the application has been submitted:

- ✓ The property lines must be identified with obvious markers.
- ✓ The proposed building site must be identified with obvious markers.

Properties not correctly marked may result in the Board of Adjustment postponing a decision until the property can be properly inspected to verify the hardship and need for a variance or denial of the variance for lack of information.

# Variance Meeting Dates & Deadlines

## Becker County Board of Adjustments

Meetings held at 7:00 pm in the Courthouse

FILING DEADLINE	TOUR DATE	MEETING DATE
Dec 13, 2010	Jan 6, 2011	Jan 13, 2011
Jan 10, 2011	Feb 3, 2011	Feb 10, 2011
Feb 7, 2011	March 3, 2011	March 10, 2011
Mar 14, 2011	April 7, 2011	April 14, 2011
April 11, 2011	May 5, 2011	May 12, 2011
May 9, 2011	June 2, 2011	June 9, 2011
June 13, 2011	July 7, 2011	July 14, 2011
July 11, 2011	Aug 4, 2011	Aug 11, 2011
Aug 8, 2011	Sep 1, 2011	Sep 8, 2011
Sep 12, 2011	Oct 6, 2011	Oct 13, 2011
Oct 10, 2011	Nov 3, 2011	Nov 10, 2011
Nov 7, 2011	Dec 1, 2011	Dec 8, 2011
Dec 12, 2011	Jan 5, 2012	Jan 12, 2012

## Application Fees

### Initial variance application:

Agricultural or Residential	\$150.00
Commercial or Industrial	\$250.00

### Notification Charge

Minimum Fee	\$ 80.00
(or \$2.00 per letter, whichever is greater)	

Recording Fee	\$ 46.00
Cormorant Surcharge	\$ 25.00

## Cormorant Board of Adjustments

Mtgs held at 6:30 pm in the Cormorant Town Hall

FILING DEADLINE	TOUR DATE	MEETING DATE
Dec 27, 2010	Jan 22, 2011	Jan 25, 2011
Jan 24, 2011	Feb 19, 2011	Feb 22, 2011
Feb 28, 2011	Mar 26, 2011	March 29, 2011
March 14, 2011	April 9, 2011	April 12, 2011
March 28, 2011	April 23, 2011	April 26, 2011
April 11, 2011	May 7, 2011	May 10, 2011
May 2, 2011	May 28, 2011	May 31, 2011
May 16, 2011	June 11, 2011	June 14, 2011
May 31, 2011	June 25, 2011	June 28, 2011
June 13, 2011	July 9, 2011	July 12, 2011
June 27, 2011	July 23, 2011	July 26, 2011
July 11, 2011	Aug 6, 2011	August 9, 2011
Aug 1, 2011	Aug 27, 2011	August 30, 2011
Aug 15, 2011	Sept 10, 2011	Sept 13, 2011
Aug 29, 2011	Sept 24, 2011	Sept 27, 2011
Sep 12, 2011	Oct 8, 2011	Oct 11, 2011
Sep 26, 2011	Oct 22, 2011	Oct 25, 2011
Oct 31, 2011	Nov 26, 2011	Nov 29, 2011
Nov 28, 2011	Dec - TBA	Dec - TBA
Jan 2, 2012	Jan 28, 2012	Jan 31, 2012

*\* Date of event due to Holiday*

**ALL dates are tentative and subject to change without prior notification.  
Due to weather conditions, meetings may not be held during the winter months.**



# BECKER COUNTY PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501  
PHONE (218) 846-7314 - FAX (218) 846-7266

## VARIANCE APPLICATION

PARCEL	
APP	Variance
YEAR	2011
SCANNED	

### PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)

First name(s) \_\_\_\_\_ Last Name \_\_\_\_\_

Mailing Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Phone Number \_\_\_\_\_ Project Address: \_\_\_\_\_

Parcel number(s) of property: \_\_\_\_\_ Sect - Twp - Range: \_\_\_\_\_

Township Name: \_\_\_\_\_ Legal Description: \_\_\_\_\_

### Why is the variance being requested? (Mark all sections that apply)

- Setback Issues
- Lot size not in compliance with minimum standards
- Alteration to non-conforming structure
- Topographical Issues (hills, slopes, bluffs, wetlands)
- Other

### Please provide a brief description detailing the above variance request:

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### What are you applying for less than the minimum distance (setback) from?

#### Setback must include decks and patios, current and proposed.

- Ordinary High Water Mark (OHWM) Proposed Distance (setback) \_\_\_\_\_ feet
- Lot Line Proposed Distance (setback) \_\_\_\_\_ feet
- Road Right of Way (ROW) Proposed Distance (setback) \_\_\_\_\_ feet
- Type of Road [ ] Township [ ] County [ ] State*
- Crest of bluff Proposed Distance (setback) \_\_\_\_\_ feet
- Impervious Surface Coverage Proposed Impervious Lot Coverage \_\_\_\_\_ sq ft  
\_\_\_\_\_ %

Was the lot recorded prior to 1971?      Yes      No

Was the lot recorded between 1971 & 1992?      Yes      No

Was the lot recorded after 1992?      Yes      No

Will this be a new lot split?      Yes      No

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PARCEL	
APP	Variance
YEAR	2011

What is the current square footage of the structure? \_\_\_\_\_

What is the proposed addition square footage? \_\_\_\_\_

What is the current height of the structure? \_\_\_\_\_

What is the proposed height of the structure? \_\_\_\_\_

Is there a basement to the structure? \_\_\_\_\_

Will the proposed addition have a basement? \_\_\_\_\_

Will the roofline of the existing structure be changed? \_\_\_\_\_

Will the main structural framework of the structure be altered? \_\_\_\_\_

What is the current percentage of lot coverage? \_\_\_\_\_

What is the proposed percentage of lot coverage? \_\_\_\_\_

**Explanation of request if not covered in Sections above**

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**OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:**

1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings;
3. Non-refundable filing fee of \$276.00. **Make check payable to Becker County Zoning.**
4. Is the variance request after the fact? [  ] Yes [  ] No  
 If yes, after the fact application fee is an additional \$450.00.

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

\_\_\_\_\_  
 Printed Name of Landowner or Agent

\_\_\_\_\_  
 Signature of Landowner or Agent

\_\_\_\_\_  
 Date

(Office Use)  
 Date Received \_\_\_\_\_ Accepted [  ] Rejected [  ] Date \_\_\_\_\_

\_\_\_\_\_  
 Zoning Administrator



# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501  
Phone: 218-846-7314 ~ Fax: 218-846-7266

### Authorized Agent Form

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage site permit" or "valid only on permit applications submitted between 06/01/20XX and 08/01/20XX"). If you want your agent to represent you on a conditional use or variance application and also be authorized to obtain the related permit(s), be sure to check and complete the "permit application" item as well. If an item's box is checked and the accompanying space is left blank, the authorization granted on that item is valid for a period of one year from the date of signature on this form until Becker County Planning and Zoning receives signed, written notification from the property owner(s) stating otherwise or the property's ownership changes.

I (we), \_\_\_\_\_ hereby authorize \_\_\_\_\_ to act  
 (landowner-print name) (agent-print name)  
 as my (our) agent on the following item(s): appropriate box(es)

- permit application (write in permit "type" – e.g. site, septic, etc.): \_\_\_\_\_
- plat application: \_\_\_\_\_
- conditional use application: \_\_\_\_\_
- variance application: \_\_\_\_\_
- other: \_\_\_\_\_

on my (our) property located at:  
 Tax Parcel Number(s): \_\_\_\_\_ Physical Site Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plat Name: \_\_\_\_\_

#### Agent Contact Information

Agent address: \_\_\_\_\_  
 Street City State Zip Code  
 Agent phone #(s): \_\_\_\_\_ Agent fax #: \_\_\_\_\_  
 Agent email address: \_\_\_\_\_

\_\_\_\_\_  
 Property Owner(s) Signature(s) Date

State of Minnesota  
 County of Becker

On this \_\_\_\_\_ day of \_\_\_\_\_ before me personally appeared \_\_\_\_\_ to me  
 known to be the person(s) described in and who executed the foregoing instrument; and acknowledged that  
 \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed.

(Notary Stamp)

\_\_\_\_\_  
 Notary Public

**Office Use Only:**  
**Date received:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_