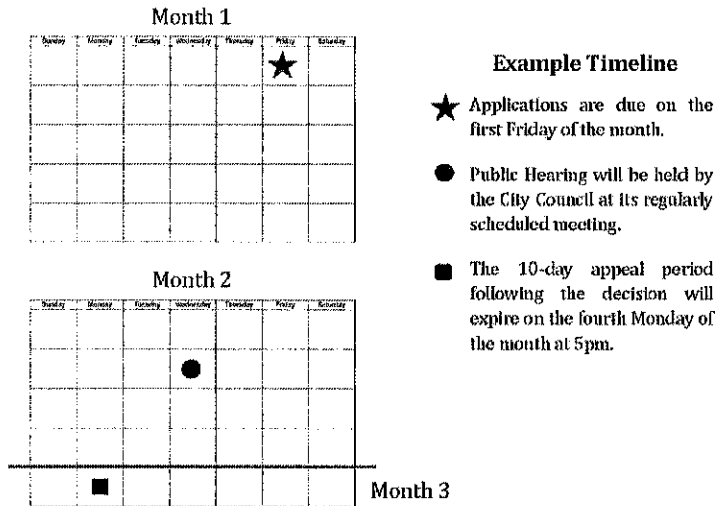


CITY OF APPLETON
**VARIANCE REQUEST APPLICATION
 AND REVIEW PROCESS**

Overview: Variance requests will be reviewed by City Staff and discussed in a public hearing by the City Council, which meets on the second Wednesday the month, as necessary. Minnesota State Law requires that a decision be issued for each application within sixty (60) days of the application submission date. Sixty (60) day extensions may be obtained if more time is needed to resolve outstanding issues.

Application Deadline: Applications must be submitted to the City office by the close-of-business (5pm) on the first Friday of each month; applications received after this date cannot be heard until the City Council meeting of the following month. The variance process takes approximately six (6) weeks from the application deadline.



Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.

Purpose: The variance is intended to allow relief from practical difficulties that may arise from the strict application of zoning regulations on properties where unique circumstances (e.g., parcel size and shape, topography, vegetation, wetlands, obsolete structures, etc.) are present which may prevent the property from being used to the extent intended by the zoning regulations.

Approval: In order to approve a variance request, the City Council must find that: 1) the proposal is consistent with the Comprehensive Plan; 2) the proposal is in harmony with the purposes and intent of the zoning ordinances; 3) the proposal puts the subject property to use in a reasonable manner; 4) there are unique circumstances to the property which were not created by the landowner; and 5) the variance, if granted, will not alter the essential character of the locality.

Initial Review: Applications will be reviewed for completeness by City Staff, and a determination of completeness will be provided to the applicant in the form of a letter within about ten (10) days of the application submittal date. A letter in response to an incomplete application will identify the materials that are needed in order to complete the application; once all of the outstanding application materials are received, the sixty (60) day action timeline will restart. A letter in response to a complete application will outline the schedule for the formal review and approval process described below.

City Council Meeting: Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the City Council and/or members of the public. The public hearing will be held in the Appleton Civic Center Council Chambers.

- **At the Public Hearing:** The Mayor will call the meeting to order, City Council members and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Mayor will introduce the application and City Staff will review the issues and recommendations detailed in the staff report. City Council members may ask questions about the application to be answered by City Staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Mayor will close the public hearing, and the Commission Members will discuss the application and make a decision.
- **City Council Action:** The City Council has the authority to approve or deny an application and its decision is final. The City Council will provide the rationale for its decision and adopt a motion approving or denying the variance request. If the decision is not appealed within the time allowed, the variance becomes effective, and any necessary building permits may be issued; at this time the City Council's resolution will be sent to Swift County to be recorded against the property.

Appeals: The decision of the City Council may be appealed by the applicant or by any other Appleton property owner within ten (10) days of the decision. Appeals are heard by the City Council. An appeal is a matter of public record, but it does not require a public hearing and no new information will be reviewed as part of the appeal; instead, the City Council will review the decision-making process to verify compliance with City Ordinances and State Statutes.

Validation: A variance approval must be validated by the applicant through the commencement of any necessary construction (subject to permit requirements) within one (1) year of the date of the approval. A variance approval will automatically expire if the approval is not validated.

VARIANCE REQUEST

The applicant _____ is the owner of the property related to the variance request, the property is located within the corporate limits of the City of Appleton at the following address:
_____.

The City Staff shall not recommend the granting of any variance request and the City Council shall not grant any variance request unless they find the following facts:

- (1) The variance is in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan.
- (2) The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Explain the reason for the variance request: _____

- (1) Variance request shall demonstrate to all owners of abutting properties the type of variance request, type of improvements to be made and request the approval or disapproval initial signature of the abutting property owners.
- (2) Variance request shall include a detailed drawing of the property responsible for the variance request with all appropriate measurements and dimensions.
- (3) Identify by a list of names of each and all owners of abutting properties and their appropriate initials under the approval or disapproval column.

<u>NAME</u>	<u>APPROVAL</u>	<u>DISAPPROVAL</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant's signature: _____ Date: _____

	<u>APPROVAL</u>	<u>DISAPPROVAL</u>
Recommendation of City Staff	_____	_____
Decision of the City Council	_____	_____