



# Board of Adjustment

## Criteria for Approval of a Variance Request

St. Louis County Planning and Community Development

Planning and Community Development staff will review your proposal and provide a report to the Board of Adjustment on whether or not the proposal for a variance meets St. Louis County Zoning Ordinance 62 variance standards and criteria. If staff determines that the variance criteria are not satisfied, you will be contacted. The applicant bears the burden of demonstrating sufficient practical difficulty to sustain the need for a variance. Absent demonstrating practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance. If approval is not given by the Board of Adjustment, the fee is non-refundable. If withdrawn before scheduled for hearing, all of the application fee except a \$160 site inspection fee will be refunded.

### Variance

A variance is defined as any modification or relief from a county land use ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of the provisions of such ordinance would cause practical difficulties, as defined or described in Minnesota Statutes, chapter 394.

### Approval Criteria

The approval of a variance can only be granted by the Board of Adjustment if the following criteria are satisfied:

1. The proposal is not contrary to public interest, where owing to special conditions, a practical difficulty would be created by carrying out the strict letter of this ordinance, and when the terms of the variance are consistent with the spirit and intent of the ordinance and with the county's land use or comprehensive plan, if any.
2. The applicant has established that there are practical difficulties in complying with the official control. Practical difficulties as used in connection with granting a variance means that the property cannot be put to a reasonable use under the conditions allowed by this ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute practical difficulties if a reasonable use for the property exists under the terms of this ordinance. No variance may be granted that would allow a use that is prohibited in the zone district in which the subject property is located.
3. When in the opinion of the Board of Adjustment a variance may result in a material adverse effect on the environment, the applicant may be requested by the Board of Adjustment to demonstrate the nature and extent of the effect.
4. It shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and ordinance, the Board of Adjustment shall not approve any variance.

## Approval Criteria Continued

5. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.
6. When an applicant seeks a variance for additions or alterations to a lot or structure that have already commenced, it shall be presumed that the changes to the lot or structure were intentional and the plight of the landowner was self-created, as per MN Statutes, section 394.27 subdivision 7 and all acts amendatory thereof.
7. The essential character of the locality where a variance is requested shall be evaluated based on compliance with the zoning regulations and variances that existed at the time the locality was developed, as well as on compliance with the purposes of this ordinance.
8. Presumptions contained in this section are rebuttable by the applicant.

## St Louis County Planning and Community Development

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