

VARIANCE APPLICATION AND PUBLIC HEARING PROCESS:

- ✓ **If** the variance is for a new structure and there are no existing buildings on the property, make sure property is **not** in a flood zone area; if it is **STOP!** An elevation certificate from a licensed surveyor/engineer will need to be provided stating the lowest floor level of the structure (including the basement) is at a minimum of one (1) foot above the 100year flood mark. Once received the application can be accepted; however, notify the applicant, if the variance is granted and permit issued, their mortgage company may still require flood insurance.
- ✓ Attach a copy of the portion of the flood zone map that the property is located on and indicate the property by highlighting it on the copy of the map.
- ✓ If property is not yet in the owner's name on the tax system, a copy of the deed needs to be submitted to our office before the application will be accepted.
- ✓ The **APPLICANT** must fill out and sign the Application for Variance form, as well as a permit form.
- ✓ The person signing the application for Variance **MUST** be the owner.
- ✓ A design for the sewage system filled out by a licensed designer must be submitted, if required, or
- ✓ A Certificate of Compliance on **any system older than five (5) years old or that doesn't have a current Certificate of Compliance** must be submitted.
- ✓ A detailed drawing of the building site indicating **all** setbacks from roads, property lines, OHWL, and/or bluffs as they relate to the structures on the property must be submitted, all structures located on the property should be drawn in and identified, the location of the well and the sewage system drawn in and the proposed reason for the variance should be drawn in on the sketch and all the setbacks shown.
- ✓ Photographs of the property and proposed locations for structures requiring variances are very helpful and can be submitted with the application as well.
- ✓ Once the application is accepted, it will be set for public hearing for the following month after it is accepted.
- ✓ Notices are sent out to both the local newspaper for the area in which the property is located as well as the official county newspaper, if different.
- ✓ Notice is sent to the township in which the property is located and to any municipality within 2 miles of the property.
- ✓ Notice is sent to adjoining landowners or the nearest 10 whichever is more.
- ✓ Notice may also be sent to the Wadena County Soil and Water Conservation District Office, the Department of Natural Resources, the Wadena County Highway Department, or the Minnesota Pollution Control Agency depending on the situation.
- ✓ The public hearing is held by the Board of Adjustment and provides the public with an opportunity to comment on the application either in favor of or in opposition to the variance request. The Board of Adjustment has a specified set of criteria that must be met in order to grant the variance and will question the applicant at length to get a good understanding of whether or not they feel this criteria can be met.
- ✓ **SOMEONE MUST BE PRESENT AT THE HEARING TO REPRESENT THE APPLICATION.** If no one is present, the application may be 1) tabled for the following meeting, if it can meet the statutory limit on time in which to act on the application, which is 60 days; or 2) denied due to lack of information and no representation.
- ✓ The Board of Adjustment may act on the application immediately or they may choose to adjourn the meeting and select a time to meet at the property in question to view the property themselves prior to making a decision.

- ✓ Either way, the Board of Adjustment's action on the application is final, except that any aggrieved person may appeal the decision in District Court within 30 days of the date of notification of the action by the Adjustment Board.
- ✓ If a variance is granted, a Variance Order is recorded in the Office of the Recorder on the property in questions and the appropriate building permit may be applied for and issued.