

PROCEDURE FOR REQUESTS FOR A VARIANCE TO THE STANDARDS OF THE SUBDIVISION ORDINANCE

As part of an application for the subdivision of land, an applicant may request a variance to the minimum standards of the Subdivision Ordinance (Section 1006.200). This procedure may not be used to vary the procedural provisions of the Subdivision Ordinance, nor may it be used to vary the provisions of the Zoning Ordinance, such as setbacks, lot areas and lot width. Variances to the provisions of the Zoning Ordinance must be processed according to the provisions of Section 1108.400 of the Zoning Ordinance.

Planning Commission Action: Upon receipt of a complete application, the Planning staff will schedule a public hearing before the City of Prior Lake Planning Commission. This requires a notice published in the official newspaper and mailed notice to owners of property within 500' of the site. The Planning Commission will conduct a public hearing and make a recommendation to the City Council within 60 days of receipt of a complete application. Requests for variances under this section may be processed concurrently with other subdivision applications.

City Council Action: The report and recommendation of the Planning Commission will be submitted to the City Council. The City Council shall make a decision on whether to approve or deny a variance within 30 days of the public hearing. The City Council shall make findings of fact on the proposed variance, and may also impose any conditions it deems necessary to protect the public health, safety and welfare.

Findings of Fact: When reviewing a variance request, the Planning Commission and the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be recommended when the Planning Commission and City Council find:

1. That there are special circumstances or conditions affecting the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
3. That the variance is to correct inequities resulting from a physical hardship such as topography.
4. After considerations of the Planning Commission recommendations, the City Council may grant variances, subject to subsections (1), (2), and (3) of this subsection.

APPLICATION INSTRUCTIONS

No application will be scheduled for a Planning Commission public hearing until all required information is submitted. The following information, along with the attached checklist, constitutes all of the information required for a complete application. The City also reserves the right to request additional information when needed to review an application.

- **Signed Application:** Include authorization from the property owner on the application form or by attached letter of authorization if an agent signs the application.
- **Application Checklist:** The following information is required to be submitted as a part of the application for a modification. *Any item not provided will constitute an incomplete application.* The Application Checklist will expedite the review of your application. **Attach the checklist with the application materials.**

REQUEST FOR A VARIANCE TO THE STANDARDS OF THE SUBDIVISION ORDINANCE APPLICATION CHECKLIST

SUBDIVISION NAME: _____
DEVELOPER: _____

FILE NUMBER
DATE SUBMITTED
REVIEWED BY

For City Use Only

REQUIRED INFORMATION	LOCATION	VERIFIED (for City use only)
The following data is required as part of a variance application according to the City of Prior Lake Subdivision Regulations	Indicate where this information is provided in the application materials such as sheet #, narrative, or other attached report.	Reviewed by city staff to ensure required materials were submitted.
Application (Subdivision Ordinance Section 1006.203)		
1. A complete Application Form, signed by the applicant and the fee owner of the property.		
2. A filing fee of \$200.00 unless application accompanies a preliminary or final plat application.		
3. A written explanation of the variance request and the reasoning for this request.		
4. Ten (10) full-scale copies of the plans indicating the proposed changes and any supporting data and one 11"X 17" reduction of each sheet.		
5. Any other information the City finds necessary to determine the impact the proposed variance will have on the health, safety and welfare of property in the City and City residents.		