



## FARIBAULT COUNTY PLANNING AND ZONING

415 South Grove Street, Suite 8 – Blue Earth, MN 56013

Phone: (507) 526-2388/2300 Fax: (507) 526-2508

### VARIANCE PROCEDURE

*Upon approval, a Variance grants the applicant permission to depart from the standard requirements of any of Faribault County's Ordinances. The Board of Adjustment may attach conditions to the Variance to ensure compliance and to protect adjacent property owners and the public interest.*

#### **When Required:**

For floodplain development.

- Variances from front, side, rear yard, ordinary high-water mark of lake, river, or stream setbacks may be required in any zoning district to place a home, building, or addition, on a lot which could not otherwise be used due to its extreme topography, wetlands, odd shape, or other dimensional deficiency.
- To locate new feedlots or residences when proposed separation distances are less than that specified in the Faribault County Zoning and/or Feedlot Ordinances.
- To rebuild non-conforming uses when over 50% destroyed by fire or other natural disaster, providing that the use may not be intensified.
- To exceed density, height, building size, and lot coverage requirements.

**Area Variance** – Does not change the character of the zoned district and may be permitted by the Board of Adjustment when the applicant makes a showing of “practical difficulties” under Minn. Stat. 394.27, subd. 7.

**Use Variance** – No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

**Processing Time:** Varies from 4-8 weeks from the submittal of a completed application. Applications must be submitted according to the current variance schedule.

- Requires a Public Hearing in front of the Board of Adjustment and Appeals.

**Fee:** \$300.00 application, \$46.00 recording fee.

**Required Submittal Information:** You **MUST** obtain a copy of the **LAST DEED of RECORD** from the County Recorder's office for the site. This will provide what is required to prove ownership, and the necessary legal description for recording. The application will not be considered complete unless this is included.

Site plan drawn to scale showing:

- a. Existing structures, proposed additions, proposed structures, and property lines.
  - b. Location of existing and/or proposed septic system(s), and well(s).
  - c. Distance between the proposed building or addition and centerline of roadway, ordinary high-water mark of lake, river or stream, all property lines, and existing buildings.
- Septic system plans drafted by an MPCA Certified Designer when upgrades are required.
  - Landscaping and/or drainage plans.

- Narrative describing the request and outlining the circumstances (hardship) which make the request necessary and unique.
- Additional data as may be required by the Planning and Zoning Administrator to justify the hardship.

**Review and Approval Procedures:** Applicant must submit completed application with all supporting documentation to the P and Z Administrator prior to the application deadline date.

1. The Administrator will review the documents and will work with the applicant to ensure that all necessary information has been submitted. Staff will draft a report and recommendation and forward it to the Board of Adjustment to be heard at the next scheduled meeting.
2. Notice of the Public Hearing will be sent to all affected property owners within one-quarter mile or the 10 nearest property owners, the affected township, County Attorney, municipalities within two miles, DNR.
3. Notice of the Public Hearing will also be published in the official County newspaper (Faribault County Register) 10 working days before the date of the hearing.
4. The Public Hearing will be held by the Board of Adjustment at it's next regularly scheduled meeting. The applicant, and any other interested party, will be given an opportunity to speak for or against the proposal.
5. The Board of Adjustment may:
  - a. Approve the request with such attached conditions as are necessary to ensure proper development of the property and to protect surrounding areas.
  - b. Deny the request.
  - c. Table the request pending revision or submittal of additional information.
6. Appeals of a decision of the Board of Adjustment must be based on a point of fact and must be filed with the District Court within 30 days after the decision has been made.
7. The Variance shall run with the property. Changes in ownership shall not affect it once granted.
8. A Certified Copy of the Variance shall be filed with the County Recorder

***IMPORTANT – PLEASE READ***

***Please answer all of the questions in the Variance Application portion as they pertain to your situation. All of the responses to these questions, information that is obtained from a site visit, and any information received at the public hearing, will be used by the Board of Adjustment and staff in making their final decision. A complete site plan showing property dimensions and all physical characteristics (structures, septic system, proposed accesses, signs, parking, distances to lot lines, etc.) will also assist the Board of Adjustment and staff in identifying important criteria that may affect your application.***

**WHEN COMPLETED, PLEASE RETURN APPLICATION AND FEE (payable to the Faribault County Treasurer) TO:**

Sara Hauskins  
 Planning & Zoning Administrator  
 415 South Grove Street, Suite 8  
 Blue Earth, Minnesota 56013  
 If you have any questions, please contact 507-526-2388