

The City Code establishes standards for most development in Bloomington: commercial, residential and industrial. These standards regulate where buildings, yards, parking lots, driveways, signs and lighting may be placed on properties ("setback" requirements), minimum and maximum sizes, height, potential effects on adjacent properties, and aesthetics. The regulations, primarily in the Zoning Ordinance, are written in a general manner, and, in most instances, apply to all properties equally.

City ordinance provides relief from the Zoning Ordinance requirements of in unusual circumstances. The Planning Commission or Hearing Examiner has the power:

- 1) to decide any questions involving the interpretation of the Zoning Ordinance upon appeal from a decision of the Issuing Authority. This includes the determination of district boundaries' locations.
- 2) to vary or adapt the strict application of the Zoning Ordinance in the case of, irregular, narrow, shallow or steep lots or other exceptional physical conditions, if strict application would result in practical difficulty or unnecessary hardship and deprive the owner of the reasonable use of the land or building involved.

The process which grants relief from strict requirements of the City Code is called the *variance process*. To receive a variance, property owners must submit a written application. Only the City Council grants variances, and only after a *public hearing* has been held. Hearings are open to the public: anyone may attend and speak. Applicants for variances are **required** to attend hearings to present their applications. Failure of an applicant or representative to attend a hearing may result in an indefinite continuation. The variance process takes from three to eight weeks, depending on when the required public hearing is held.

Required public hearings

Administrative Variance

The Administrative Variance procedure processes the simplest, least controversial applications. Under the provisions of the ordinance, the following variance applications **may**, at the discretion of the City, be processed as *Administrative Variances*:

- 1) Affidavits of Consent have been submitted indicating approval by 100 percent of the adjacent landowners and those landowners whose property is being encroached upon, and a finding has been made by the Community Development Director or his designee that the variance requested is minor.

- 2) The variance relates to setbacks for a driveway, a garage, or a side or rear yard swimming pool.

- 3) The variance, other than those specified above, is five feet or less.

- 4) The variance has been found by the Community Development Director or his designee to be minor, and relates to the size and location of signs.

- 5) The variance, previously approved by the City Council, has expired and the Community Development Director or his designee has determined that area conditions have not substantially changed.

The required hearing for an administrative variance is conducted by a *hearing examiner*, a qualified individual (usually City staff) appointed by the City Manager. Administrative hearings are usually held at 1 p.m. on Tuesdays in the Community Development Department offices. Prior to the hearing, written notices are mailed to owners of properties surrounding the applicant's property.

When an **approval** of the variance is issued by the hearing examiner, the request is placed on the next available City Council agenda. It is generally the Monday following the Administrative Hearing, but may be delayed depending on the Council's schedule.

A **disapproval** of the variance by the hearing examiner is not forwarded to the Council. The applicant may appeal the decision of the hearing examiner for further review by the Planning Commission.

Standard Variance

The Standard Variance procedure is used for all other variance applications. The required public hearing is held by the Planning Commission which holds regular meetings two times each month at 6 p.m. on Thursdays in the City Council Chambers. Planning Commission agendas close about four weeks in advance of the meeting.

Appeals

City Code provides an appeals process for decisions of the Hearing Examiner or the Planning Commission. The applicant or an adjacent property owner may request an appeal.

Appeals of **denial** by the Hearing Examiner must be submitted in writing by the applicant within 10 calendar days. All appeals are heard by the Planning Commission. New notices are published and mailed for appeal hearings. Appeals of Planning Commission actions are heard by the City Council.

Appeals of a hearing examiner's **approval** of a variance by an aggrieved property owner must be submitted in writing within 48 hours, since the item is normally considered by the City Council on the following Monday.

Application requirements

It is the applicant's responsibility to prepare and submit a complete application. Incomplete applications cannot be accepted for review by the City Council. An incomplete or incorrect application may result in a delay of the final determination of your request.

Many proposals require more than one variance. There is no additional charge for several variances considered with the same application.

Site plan requirements

Site plans must be at a scale large enough to clearly indicate all buildings, driveways, decks, patios, pools, sidewalks and other features. Show the location of requested variance and all dimensions of structures and features, including distances from property lines.

- Where the variance involves the slope of the site, contours, not merely spot elevations, must be shown.
- The Building and Inspection Division has drawings of many Bloomington properties. If available, you may purchase a copy of these drawings to use as a starting point to plan your addition. However, these drawings are generally not accurate enough to determine actual setbacks.
- In most instances, you will need to obtain a current property survey. There are many registered land surveyors in Bloomington. The City does not provide a surveying service.

Elevation drawings

If the variance request involves a new building or an addition to an existing building, drawings of the exterior elevations may be required. These drawings should be at a scale of 1/4 inch equals one foot.

- Show the location of all significant features: windows, doors, roof, steps, grade (ground) level, etc.
- Label dimensions of existing and proposed buildings, including the height from grade to the eaves and to the peak of the roof.
- Show which portions of the buildings are new, and which are existing.
- Identify the exterior building materials.

Written documentation

Prepare a letter, preferably typewritten, describing your request. The purpose is to justify granting a variance.

- *State what you want to do:* "I propose to construct a 10 foot wide addition to the south side of an existing 14 foot wide attached garage."
- *Describe why the variance is needed:* "The existing garage is set back 13 feet from the south lot line. The addition would result in a setback of three feet from the side lot line on the south side of the property."
- *State the ordinance requirement:* "Section 19.41(a) of the City Code requires a minimum setback of five feet for garages."
- *Describe the circumstances that prevent you from meeting the normal requirements of the ordinance:* "The proposed location is the only possible site for an addition which would provide a two-car garage."
- *Provide as much detail as possible:* Describe the exterior building materials, color, height, integration with existing structures, distance and relationship with neighboring structures – all details and conditions affecting your property, your neighbors' properties, public streets and sidewalks. Describe how your proposal will (or will not) affect storm water drainage on your property or your neighbors' property.
- *Discuss other requirements of the City Code which may be impacted by your proposal and how you propose to handle them:* "A five-foot utility easement exists along the south lot line. However, no utilities are located in this easement and the Public Works Department has no objections to vacating the portion that would be occupied by the addition."
- *Address the findings required by the Zoning Ordinance:* The staff will provide you with the findings which the hearing examiner, Planning Commission and/or City Council must "make" if the variance is to be approved. They will indicate which are applicable. Copy and discuss each required finding in your letter. Remember: Findings are important! If *any* findings cannot be substantiated, your variance cannot be approved.

Affidavits of Consent

These are legal documents which indicate that owners of neighboring property are aware of and have no objections to your requested variance. Administrative Variance applications may require that Affidavits be submitted. In other cases, such as any variance application for a garage, Affidavits are not required. Affidavit forms are available from the City staff. When required by the City Code, Affidavits must be notarized. In instances where notarized Affidavits are not required, a petition signed by neighbors may be helpful.

Variations and property surveys

To process a variance application, it is necessary to submit accurate information that includes actual dimensions. This information will be used to evaluate the variance request, prepare legal notifications and, if approved, register the variance at Hennepin County with the title of the property.

1. In most instances, a certified as-built survey of the property or affected property line will be required.
2. If a variance application does not contain a required, certified as-built survey of the property or the affected property line, the application is incomplete and will be returned to the applicant.
3. The City does not survey properties. Accurate information, including a required, certified as-built survey of the property or the affected property line, is the responsibility of the applicant.

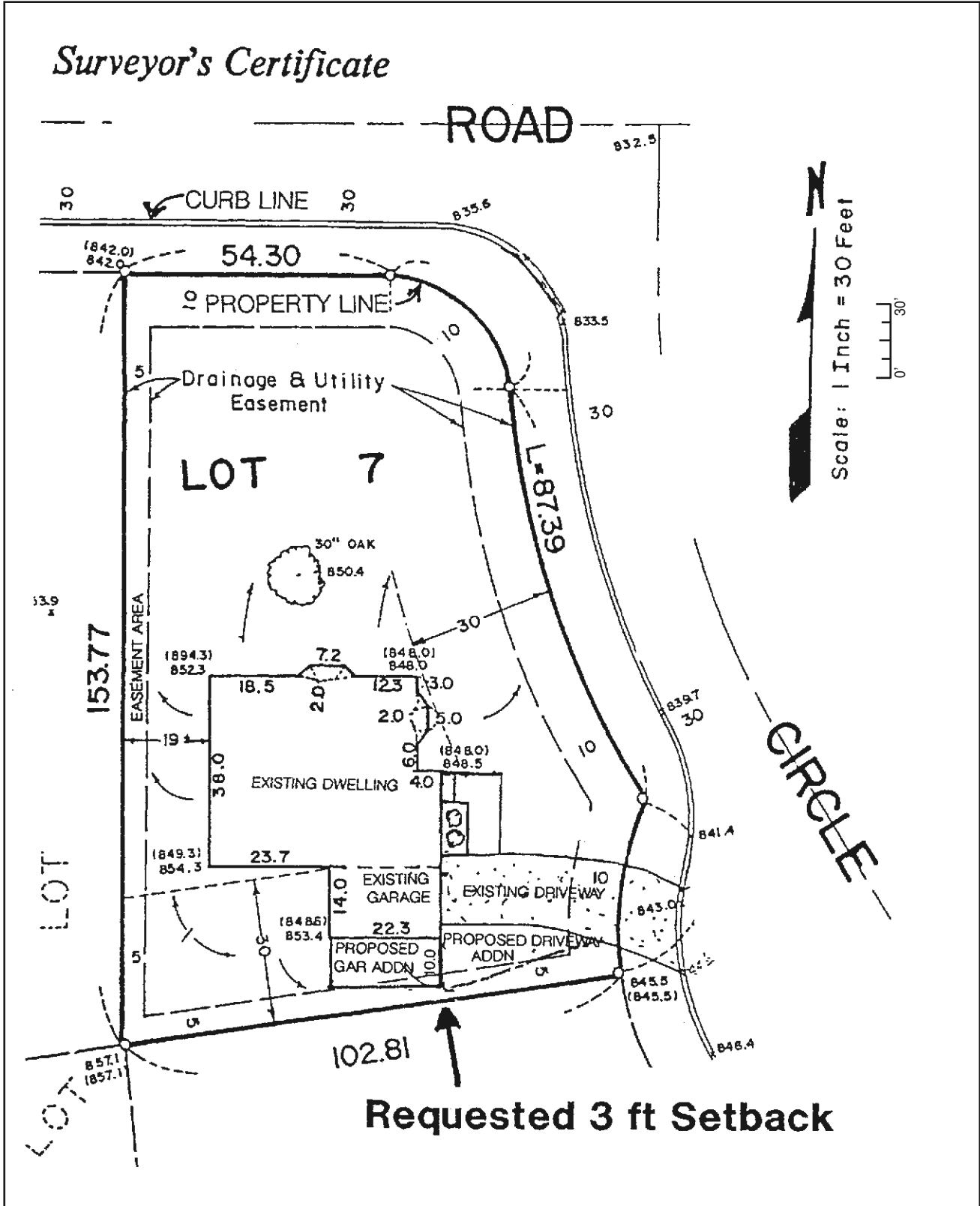
Expiration of variations

All variations expire within one year from the date of their authorization if they are not used by obtaining a building permit or otherwise.

Fees

See *City of Bloomington Planning Fee Schedule* for a current listing of fees.

Sample site plan



Variance Application Checklist

This checklist *identifies the minimum general information necessary to complete an application.* The information required will depend on the nature of the variance request. To process your Administrative Variance application, this checklist, a completed application form and the information

identified below must be submitted. Submission of the information required on this list will facilitate the processing, review, recommendation and final action on your application.

Information - To be identified by Planning Division staff prior to application

	Required	# Copies	Received
Completed Development application. <i>The property owner or tenant must be the applicant. Owner's signature required. Contractors NOT permitted to sign as applicant.</i>			
Application fee: <i>Check made out to "City of Bloomington."</i>			
Site plan: All existing and proposed site features, development features and dimensions relating to the proposal, including the proposal itself.			
As-built survey: Full lot which can be used for site plan with all dimensions relating to affected property line(s) and corners set.			
Floor plan: Structure or building addition and at least the floor area adjacent to the addition.			
Elevation drawings: Front, sides and rear of the structure or addition. Appropriate elevations of signs.			
Reductions: One set of 8.5"x11" reductions of larger drawings.		1	
Written description: What is proposed; where it is proposed; why it is necessary; how it will be done and used; and, reasons why it should be allowed.			
Impervious surface coverage: Existing and proposed impervious surface coverages for single-family lots where additional impervious surface will be added as a result of the variance.			
Affidavits of Consent: Must be notarized if mandatory.			

Other information

1.

2.

3.

Application accepted under Section 2.10(a) (*Check one of the following*):

(1) (2) (3) (4) (5) (6)

Required by: _____

Checked by: _____

Date: _____

Date: _____

Community Development

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