

# 3.10 Checklist

## Variance

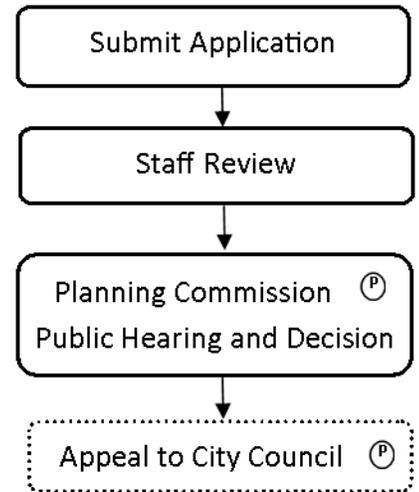
These types of applications allow for a variance from the terms and provisions of the UDC. See UDC Section 50-37.9 for more information.

### Starting the Application Process

Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:

- Application Cover Sheet
- Required fee
- Supplemental Variance Application (information required by the Zoning Code and State Statute when reviewing variance applications).
- A site plan with accurate depiction of the lot size, configuration, and requested variance area
- Materials for specific variances, as applicable:
  - Variances to lot size in unsewered areas:* a permit or letter of intent to issue a permit for on-site sewer treatment from the county
  - Variances to reduce setbacks:* a landscaping and buffering plan
  - Variances to flood plain regulations:* documentation regarding flood levels and flood protection may apply
  - Variances to shoreland regulations:* A plan to mitigate the impacts of the variance on shoreland areas
  - Variances within Skyline Parkway Overlay:* see Skyline Parkway Materials in [Appendix](#)

### Variance



<sup>(P)</sup> Indicates Public Hearing Required

### Important Dates

**Application Deadline:**

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**Sign Notice Placed:**

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**Planning Commission:**

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**Effective\*:**

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*\*Please note that these dates are approximate guidelines and may change*

### Public Notice

A mail notice will be sent by the City to property owners within 350 feet.

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.

### **Staff Review**

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a variance, Planning Staff generally review the legal minimum requirements for a variance established by State Statute (literal interpretation of the UDC would result in exceptional or peculiar practical difficulty, special circumstances exist that are unique to the property, the situation was not created by the applicant, variance is necessary and not simply a convenience to the applicant, etc.), the standards specific to the type of variance being sought, any additional UDC criteria, and other related factors.

### **Planning Commission Hearing and Decision**

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

- Bring a copy of the Action Letter and approved plans when you submit your building permit.

*Note that other city codes may apply to your project. Please be aware of any applicable Building code (Construction Services Division), Fire code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.*



City of Duluth  
Planning and Construction Services

411 West First Street • Room 210 • Duluth, Minnesota • 55802-1194  
218-730-5240 • Fax: 218-730-5901 • [www.duluthmn.gov/onestop/](http://www.duluthmn.gov/onestop/)

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## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and that is necessary for Planning Commission review.

**List the UDC Section you are seeking relief from** (example: "50-14.5 – front yard setback in an R-1"):

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**Is the applicant proposing to use the property in a reasonable manner?**      Yes      No

Please explain the applicant's use of the property, and how the relief requested is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant: \_\_\_\_\_

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**Is the need for relief due to circumstances unique to this property?**      Yes      No

Please explain how these circumstances are due to exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property: \_\_\_\_\_

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**Will granting this variance alter the essential character of the area?**      Yes      No

Explain how this property fits the character of the neighboring area, and how the special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity: \_\_\_\_\_

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**Is this request consistent with the intent of the UDC and Comprehensive Plan?** Yes No

Explain how the UDC and Comprehensive Plan support this request: \_\_\_\_\_

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**Explain how the special circumstances or conditions that create the need for relief were NOT directly or indirectly created by the action or inaction of the property owner or applicant:**

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**Will the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city?** Yes No

No

Please explain: \_\_\_\_\_

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**Does the relief allow any type of sign that is not allowed in the zone district where the property is located?** Yes No

**Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M?** Yes No

Discuss what subsections are applicable and how this request meets those: \_\_\_\_\_

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