Application Received:_____
Fee Received:_____
Staff Initials:_____

# VARIANCE APPLICATION

**APPLICANT INFORMATION**

Name(s): _____

Mailing Address:_____

Telephone:_____

E-mail Address:_____

**PROPERTY OWNER INFORMATION (if different from above)**

Name(s):_____

Mailing Address:_____

Telephone:_____

E-mail Address:_____

**PROPERTY INFORMATION**

Describe Location:_____

_____

Property Address (es):_____

Parcel Number(s):_____

Legal Description:_____

**[Complete back side of form.]**

**If you are unable to provide a PDF Digital ID, please print application to provide original signature(s).

Applicant Signature(s)_____Print Name_____Date_____

Property Owner Signature(s)_____Print Name_____Date_____

Property Owner Signature(s)_____Print Name_____Date_____

**APPLICATION DEADLINE:** Completed application and submission requirements must be received by 12:00 p.m. on the deadline date (at least three weeks prior to the scheduled Planning Commission meeting).

**APPLICATION SUBMISSION REQUIREMENTS:** The following must accompany this application.

_____Proof of Title to the property and written authorization from owner(s) if applicant is not the owner

_____Application fee of $200 + County Recorder fee of $46 = **$246 is payable to the City of Moorhead**. The City of Moorhead will record the variance with the Clay County Recorder's office.

**SUBMIT APPLICATION AND SUBMISSION REQUIREMENTS TO:**
Planning & Zoning Division, 475 Red River Ave, PO Box 779, Moorhead, MN 56561-0779.

## COMPLETE THE FOLLOWING FOR YOUR VARIANCE REQUEST:

1. Describe request:

2. State what practical difficulties would be caused to you if the variance were not granted.

3. State what special circumstances exist with your particular property or structure which makes it different from other properties or structures in the same area.

4. State why the granting of this variance would not negatively impact adjoining landowners.

**CRITERIA FOR CONSIDERATION:** Section 10-5-3B of the Moorhead Zoning Ordinance states that:

1. In considering all requests for a variance, the Board of Adjustment and Appeals shall make a finding of fact that the proposed action will not:

a. Impair an adequate supply of light and air to adjacent property.
b. Unreasonably increase the congestion in the public street.
c. Have the effect of allowing any district uses prohibited therein, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by state law.
d. Increase the danger of fire or endanger the public safety.
e. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this title.
f. Violate the intent and purpose of the comprehensive plan.
g. Violate any of the terms or conditions of subsection B2 of this section.

2. A variance from the terms of this title shall not be granted unless it can be demonstrated that:

a. Practical difficulties will result if the variance is denied due to the existence of special conditions and unique circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
   (1) Special conditions and unique circumstances may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
   (2) Practical difficulties caused by the special conditions and unique circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this title.
   (3) Special conditions and unique circumstances causing practical difficulties shall not be a result of lot size when the lot qualifies as a buildable parcel.
b. Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title or deny the applicant the ability to put the property in question to a reasonable use.
c. The special conditions and unique circumstances causing the practical difficulties do not result from the actions of the applicant.
d. Granting the variance requested will not confer on the applicant a special privilege that is denied by this title to other lands, structures or buildings in the same district under the same conditions.
e. The request is not a result of nonconforming lands, structures or buildings in the same district.
f. The request is not a use variance.
g. The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.
h. Granting the request would not alter the essential character of the neighborhood.