



Variance Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/environmental.htm

FAQs:

What is a variance? A variance is any modification or variation of official controls where it is deemed that, by reason of exceptional circumstances, strict enforcement of official controls would cause a practical difficulty.

When is a variance necessary? A variance is necessary when a landowner desires to undertake a project that will not comply with one or more ordinance regulations.

Who decides if a variance will be granted? The Hubbard County Board of Adjustment (BOA) rules on variance applications. This Board consists of five citizen volunteer members appointed by the County Board of Commissioners and meets once a month if there are items for an agenda.

How does the BOA determine whether to approve a variance? The BOA is legally required to use questions known as the "findings of fact" (along with applicable sections in applicable ordinances) to determine if a **practical difficulty** exists—which is the basis for granting a variance. It is an applicant's responsibility to show that a practical difficulty exists. The first six below-listed questions are used for normal variance applications. After-the-fact (ATF) variance applications are processed using all fourteen questions shown below.

Questions 1-6 are used in both normal and ATF variance application findings of fact.

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?
2. Without the variance, is the owner deprived of a reasonable use of the property?
3. Is the stated practical difficulty due to circumstances unique to this property?
4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?
5. Will the issuance of the variance maintain the essential character of the locality?
6. Does the stated practical difficulty involve more than economic considerations?

Questions 7-14 are only used for ATF variance application findings of fact.

7. Why did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? Did the applicant act in good faith?
8. Did the applicant attempt to comply with the law by obtaining the proper permits?
9. Did the applicant obtain a permit from another entity that violated the law?
10. Did the applicant make a substantial investment in the property?
11. Did the applicant complete the repairs/construction before the applicant was informed of the impropriety?
12. Are there other similar structures in the neighborhood?
13. Would the minimum benefits to the county appear to be far outweighed by the detriment the applicant would suffer if forced to remove the structure? Why or why not?
14. In light of all of the above factors, would denying a variance serve the interests of justice? Why or why not?

What is the process after a variance application is submitted?

1. **Department reviews application:** Complete applications are placed on the next available BOA meeting agenda. Letters detailing missing information are sent to applicants who submit incomplete applications. Resubmitted applications, if deemed complete, are placed on the next available BOA meeting agenda.
2. **Meeting notice given:** For complete applications, you will receive a mailed notice of the lot viewal and meeting date, time, and location. Landowners within 500 feet of the property will receive mailed notice of your variance application as will relevant government agencies. The meeting agenda is also published on the County website and in the official County legal notice newspaper.
3. **Lot viewal:** The lot viewal is conducted by the BOA and Environmental Services Officer – usually on the Thursday before the meeting (sometimes Friday). During the viewal, you will be asked to briefly describe your project(s). It takes roughly fifteen minutes and allows the BOA to see the project site first-hand.
4. **BOA meeting held:** The BOA will ask you to present your application. Audience members will also be allowed to comment on the application. The BOA may approve, deny, or table the application.
5. **Apply for permits:** If your variance is approved, the accompanying permit(s) **must** be obtained before starting your project(s). Please wait a few days after the meeting to apply for your permit(s) so the department can process the variance decision paperwork.

Must I attend the lot viewal and meeting? No. However, it is in your best interest to attend both the viewal and meeting to ensure your project(s) is/are properly explained and understood. Therefore, it is recommended that you consult the BOA meeting calendar to ensure you can attend the lot viewal and meeting for which your application is being submitted.

Updated: 10/01/2015



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Application Fees:

Normal variance application (non after-the-fact)	\$275.00
After-the-fact variance application.....	\$500.00
After-the-fact permits.....	4x normal fee

Fees on denied applications are non-refundable.

Make checks payable to "Hubbard County Auditor/Treasurer".

Note: To make sure your application is complete and thus accepted once submitted, it is highly recommended that you contact our office to discuss your project(s) and make sure you submit all the required information.

Instructions

1. If applicant is someone other than the landowner, an Authorized Agent form must be included that shows the owner has given the applicant permission to submit the application.
2. Include a copy of your deed to the property. The "grantee" on the deed must match the current owner name in County records and the owner's signature on an Authorized Agent form or application form. Copies of your deed can be obtained from the County Recorder's office (218-732-3552).
3. If the property is located in a township that has a zoning ordinance with jurisdiction over the variance request, a copy of the township's written zoning approval of the proposed project must be submitted. Please contact your township officials to see what, if any, township zoning regulations apply to your property and project(s).
4. If the project being proposed in your variance application will affect a wetland and thus require review and approval through the Wetland Conservation Act (WCA), a copy of the written WCA decision on the project must be submitted. Please contact the WCA Administrator at the Hubbard County Soil and Water Conservation District (218-732-0121) for information on how to go through this process.
5. If the property is located on the Mississippi River or Big Wolf Lake, it is within the Mississippi Headwaters Corridor and thus falls under the jurisdiction of the Mississippi Headwaters Ordinance. Variance approval is therefore also required from the Mississippi Headwaters Board if the County variance application is approved. Please contact our office for further details.
6. Your application must include a detailed written explanation of your proposed project. An application can only have one proposal per project (i.e. you cannot submit multiple options "A, B, and C" for a project.) However, multiple projects can be submitted in one variance application. The explanation must state from what section(s) of what ordinance(s) a variance is being sought. It must also thoroughly explain the reason(s) why you feel you cannot comply with the section(s) of the ordinance(s). If you need assistance in identifying the applicable ordinances and sections, please contact our department. **Note:** If a permissible option exists for your project(s), then a practical difficulty does not exist and the legal criteria for granting a variance cannot be met.
7. A site plan sketch or survey of your property must be submitted and show the following:
 - a. All lot lines with every line's dimension shown.
 - b. Location and L, W, and H dimensions of all existing and proposed structures/additions.
 - i. all existing structure foundations in solid lines.
 - ii. proposed structures/additions foundations in dashed lines.
 - iii. eave overhangs, including dimensions, on all existing and proposed structures in dotted lines.



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- c. Location of all existing and proposed wells and septic systems.
- d. Location and dimensions of all existing and proposed driveways, roads, and easements.
- e. Location and L, W, and H dimensions of any proposed grading/filling project.
- f. Setback distances for all items shown per 7.b-e from lakeshore, lot lines, and right-of-ways.
Note: setbacks are measured to a structure's nearest point which is often the eave overhang. Be sure your measurements are taken and shown this way!!!
- g. If topography is unusual, show elevations and locations of bluffs, steep slopes, and wetlands.
- h. Indicate which direction is north and the slope of the land.

If you are proposing a new structure or an addition/alteration to an existing structure, a side profile sketch must also be provided. Please refer to the site plan sketch instructions and example sketch # 2 so you may complete your side profile sketch properly. Remember to show your eave overhang dimensions.

Shoreland alteration variance applications require a cross-section sketch completed per the site plan sketch instructions and example sketch # 3.

8. Include at least two ground-level color photographs (4" x 6" minimum size) of every proposed project site. The project area must be clearly staked, flagged, or marked by other means in the photos. Guest cottage variance applications must also include photos of the property's entire shore impact zone.
9. Accurate tax parcel ID #s must be given for the property on which the variance is sought. Parcel IDs are shown on your tax statement. They are also accessible on the online County tax parcel map found on the County website: www.co.hubbard.mn.us.
10. Provide written directions from Park Rapids to the property (include the E911 address) on a **separate** piece of letter-size (8 1/2"x11") paper. If the property does not have an E911 address, provide an adjacent property's E911 address and the direction your property is from the adjacent property.
11. Locate and mark your property lines (if applicable to your variance request) and stake out or flag the proposed project area(s) so they are clearly visible to the Board of Adjustment on the lot viewal date.
The project area(s) must be accessible (e.g. snow must be plowed, road access to project area.)
12. A current certificate of compliance (COC) for the property's septic system(s) **and/or** a SSTS design is required. You must contact our office to explain your proposed project and find out what specific septic information is required for your application. Doing so will help ensure your application is complete and avoid delays in its processing. A COC is needed for any application where there is one or more existing septic systems on the property (including privies). If your application proposes a new sewer structure or an addition to a sewer structure, then either: 1. a COC must be submitted that shows the SSTS is correctly sized for the new building or addition; or 2. a new SSTS design must be submitted showing room on your lot to enlarge an existing compliant SSTS or install a new septic system that will meet sizing requirements for the proposed construction (whichever of the two situations is applicable to your proposal.) A new SSTS design is also required to be submitted in your variance application if the COC shows a septic system is noncompliant.



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13. Any variance application from the minimum lot size requirements or Section 704 of the Shoreland Management Ordinance to allow a lot to be developed with a structure requires the following:
 - A. A certificate of survey showing each proposed lot and its lot area and residential lot suitable area.
 - B. An SSTS site evaluation showing your proposed building site, well location, a primary drainfield site, and an alternate drainfield site must be included in your application.
 - C. Written documentation that each proposed lot fronts a public road or has or can have a minimum 33' width ingress and egress easement to a public road.
14. Submit your application to: **Hubbard County Environmental Services, 301 Court Avenue, Park Rapids, MN 56470**. Applications must be complete and received by 2:00 p.m. on the application deadline date in order to be placed on the corresponding Board of Adjustment meeting agenda. Applications found to be incomplete will be administratively denied and returned.
15. You will be notified by mail as to your application's lot viewal and hearing dates and times.
16. **If your variance application is approved by the Board of Adjustment, you must still obtain all necessary permits before starting your project(s)**. You cannot obtain your permit on the same day that your variance application is acted upon. Department staff need at least two days to process your application paperwork before being able to issue the accompanying permit(s).
17. The applicant is responsible for securing any other required local, state, or federal permits.

Application checklist – All of the following items must be submitted together at one time. Separately submitted items will NOT be accepted. Even if one of the required items is in your property's file, a separate copy of the item must still be submitted with your variance application because it is a separate, stand-alone document.

1. complete, signed application form.
2. authorized agent form, if applicable.
3. copy of the property deed.
4. copy of written township zoning approval, if applicable.
5. copy of written WCA approval, if applicable.
6. aerial view sketch or certificate of survey, as appropriate.
7. side profile sketch of the structure, if applicable.
8. cross-section sketch for any shoreland alteration project.
9. ground-level color photographs of the project site.
10. payment for the application fee.
11. written directions to the property.
12. septic system information.



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This form must be legibly completed in INK.

Applicant name(s): _____ Date: _____

Owner name(s) (if different from applicant): _____

Mailing address (PO Box/Street, City, State, Zip): _____

E911 property address: _____

Phone: _____ Alt. phone: _____ Email: _____

Tax parcel number(s): ____ . ____ . ____ - ____ ; ____ . ____ . ____ - ____ ; ____ . ____ . ____ - ____ ; ____ . ____ . ____ - ____

Legal description: _____

Sect: ____ Twp: ____ Rng: ____ Lake/river name: _____ Is this request after-the-fact? __ Yes __ No

Place an "X" by the ordinance(s) and provide the section(s) of said ordinance(s) from which you are requesting a variance.

<input type="checkbox"/> Shoreland Management Ordinance	Section(s): _____
<input type="checkbox"/> Subdivision Ordinance	Section(s): _____
<input type="checkbox"/> Sign Ordinance	Section(s): _____
<input type="checkbox"/> Subsurface Sewage Treatment System Ordinance	Section(s): _____
<input type="checkbox"/> Other: _____	Section(s): _____

Explain your requested variance need(s): Give details of the type, size, and purpose of proposed changes. Explain why you cannot complete the project by permit as the burden is on the applicant to show a practical difficulty. Attach additional sheets labeled "Variance Request", if necessary.

Applicant Statement

I have read and fully understand the above instructions. I am the fee title owner of the above described property or the authorized agent thereof, and I agree to this application and warrant and assert that I am authorized by ownership and/or law to apply for the permit in question. The applicant hereby certifies that the information contained in this application is a true, accurate and complete representation of facts and conditions concerning the proposed variance application. The applicant hereby makes application for a variance agreeing to do all such work in accordance with all Hubbard County Ordinances. Applicant agrees that application, sketch or survey, and other attachments submitted herewith are true and accurate. Applicant agrees that, in making application for a variance, applicant grants permission to Hubbard County, at reasonable times to enter landowner's premises, to determine compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is later found or determined by the County to be inaccurate, the County may revoke the variance and/or accompanying permit based upon the supplying of inaccurate information.

Signature of applicant(s): _____ **Date:** _____

For Office Use:

Application date: _____ Filing acknowledged by: _____ Receipt #: _____ App. #: _____



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Note: Place an “X” by each item below that applies to your request. Then, fill out **only** the applicable following section(s) that apply, as directed. **If a section does not apply to your request, leave it blank.**

What is the reason(s) for applying for the variance? Place an “X” by each applicable item.

- Setback issues: complete Section 1
- Land or vegetative alteration: complete Section 2
- Lot size not in compliance with minimum Ordinance standards: complete Section 3
- Alteration to nonconforming structure: complete Section 4
- Other: attach separate sheet explaining variance request

Section 1

Check the item(s) from which you are requesting a variance and fill in the proposed setback distance. Setbacks are measured to the nearest point on a structure which can be the eave overhang or an attached deck/platform.

- Ordinary High Water Mark (OHWM) Proposed Setback _____ ft
- Lot line Proposed Setback _____ ft
- Road Right of Way __ Twp __ Co. __ State Proposed Setback _____ ft
- Crest of bluff Proposed Setback _____ ft
- Septic system components (**new SSTS site design must accompany variance application**)

Section 2

What is your land alteration? Check all categories that apply.

- Vegetative alteration
- Grading/filling
- Other (Attach separate sheet explaining the land alteration)

Note: An additional cross-section sketch showing L, W, and H dimensions and an itemized list showing volume (cubic yds.) of all proposed grading/filling must accompany application.

Section 3

When was your lot created (month/day/year)? _____ (This information can be found in your abstract of title. A copy of either this first deed or page in the abstract must be included in your application.)

Note: An ISTS site design showing your proposed building site, well location, a primary drainfield site, and an alternate drainfield site must be included in your application for a lot size variance.

Section 4

Note: A sketch showing L, W, and H dimensions of all portions of the existing and proposed structure(s) and addition(s) must be included in your application.

Circle all that apply and fill in requested information:

Existing structure

Foundation: basement, crawlspace, slab on grade

Stories above ground: ground level, 1 ½, two

Existing structure height: _____ ft

Existing # bedrooms _____

Overall change in roof height when project is completed: _____ ft

Proposed addition(s)

Foundation: basement, crawlspace, slab on grade

Stories above ground: ground level, 1 ½, two

Proposed addition(s) height: _____ ft

Final # bedrooms after remodel _____

Site Plan

Required for ALL permit applications

You **must** include all structures and additions, well(s), and septic system(s) existing and proposed, on your property and label them. You **must** also include all dimensions (including height) of the structures as well as all setbacks to property lines, lakes or rivers, roads, and any other pertinent setbacks. See reverse side of "Site Plan" for example sketch.

I hereby swear that the information provided in this sketch is true, accurate, and complete.

Signature

Date

Site Plan

Required for ALL permit applications

Instructions

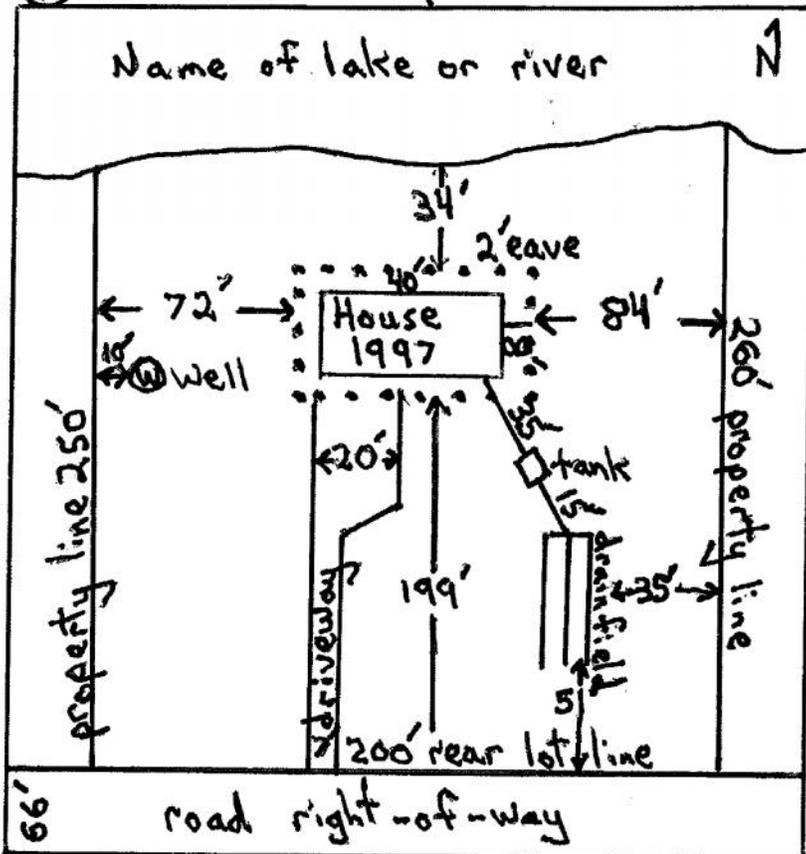
A "to scale" or dimensional "Site Plan" of your property (see Example 1 below) must accompany each application and show the following:

- All lot lines with every line's dimension shown.
- Location and length, width, and height dimensions of all existing and proposed structures/additions.
 - Show all existing structures in solid lines and label with year constructed.
 - Show proposed structures/additions in dashed lines and label w/proposed start date.
 - Show eave overhangs, inc. dimensions, on all structures in dotted lines.
- Location and length x width dimensions of all existing and proposed wells and septic systems.
- Location and length x width dimensions of all existing and proposed driveways, roads, and easements.
- Location and length, width, and height dimensions of any proposed grading/filling project.
- Setback distances for all items shown per **b-e** from lakeshore, lot lines, and right-of-ways.
- If topography is unusual, show elevation levels.
- Indicate north point and slope of land.

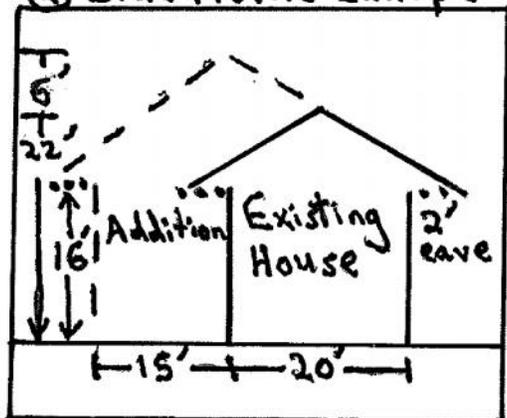
Note: Land use permits/variance applications for new structures and additions to existing structures also require separate side profile sketches of the structure and/or addition showing all dimensions - specifically height-measured in feet. See Example 2 below.

Note: Shoreland alteration permits/variance applications also require a separate cross-section sketch of each proposed project area showing all dimensions - length, width, and height - measured in feet. See Example 3 below.

① Site Plan Example



② Side Profile Example



③ Cross-Section Example

