



**After the Fact Variance Application
Request for a Public Hearing**

Dodge County Environmental Services
721 Main St N, Dept. 123
Mantorville MN 55955

Phone 507-635-6272
www.co.dodge.mn.us

Application Fee \$ 1800.00

Recorder Fee \$ 46.00

Date Received _____
Received By _____

Applicant: _____ **Phone:** _____

Address: _____ **City, State, Zip:** _____

Applicant's Signature _____ **Date** _____

Property Owner: _____ **Phone:** _____

Address: _____ **City, State, Zip:** _____

Property Owner's Signature _____ **Date** _____

Signature of this application authorizes Environmental Services Staff to enter the property to perform needed inspections.

Property Address: _____ **City, State, Zip:** _____

Parcel I.D. Number _____ **Township** _____ **Section** _____

Legal Description _____ **# of acres** _____

Variance requested from:

Setback to a Feedlot of _____ **feet** **Side yard Setback of** _____ **feet**

Rear yard Setback of _____ **feet** **Front yard Setback of** _____ **feet**

Other _____

1. A detailed description and/or reason for the request.

2. The application should include the following:

I. Name, address and signature the applicant.

II. The legal description of the property involved in the request for the variance.

- III. The names and addresses of owners of the property or any persons having a legal interest therein;
- IV. A description of all land uses within one quarter (1/4) mile of the affected property;
- V. A site plan showing all pertinent dimensions, buildings and significant natural features having an influence on the variance;
- VI. A detailed map showing existing land uses and buildings of adjacent properties within 500 feet;
- VII. The variance request and a statement outlining the particular situation involved in creating the need for a variance.
- VIII. For variance requests within the Shoreland Overlay District, the application for variance must demonstrate whether a conforming sewage treatment system is present for the intended use of the property.
- IX. Any other information or exhibits when requested by the Environmental Services Department and/or as required by the Board of Adjustment necessary to make findings and determinations.

An area variance may be granted only where the strict enforcement of county zoning controls will result in “practical difficulty”. A determination that a “practical difficulty” exists is based upon the consideration of the following criteria as defined by the Minnesota Supreme Court in In re the Matter of the Decision of County of Otter Tail Board of Adjustment to Deny a Variance to Cyril Stadvold and Cynara Stadvold.

- a. Is the request a substantial variation from the requirements of the zoning ordinance?
- b. Will the request have an adverse effect on government services?
- c. Will the requested variance effect a substantial change in the character of the neighborhood or will it result in a substantial detriment to neighboring properties?
- d. Is there another feasible method to alleviate the need for a variance? (Economic considerations play a role in the analysis under this factor).
- e. How did the need for a variance arise? Did the landowner create the need for the variance?
- f. 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?
- g. Did the applicant attempt to comply with the law by obtaining the proper permits?
- h. Did the applicant obtain a permit from another entity that violated the law?
- i. Did the applicant make a substantial investment in the property?
- j. Did the applicant complete the repairs/construction before the applicant was informed of the impropriety?

- k. Is the nature of property residential/recreational and not commercial?
- l. Are there other similar structures in the area?
- m. 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?

In light of all of the above factors, would denying a variance serve the interests of justice?
The BOA should weigh and balance each of the elements when deciding whether the variance application should be granted.

For Office Use Only

Date Rcvd _____ 15 business day _____ 60 day _____ 120 day _____