

3.9 Checklist

Variance

These types of applications allow for a variance from the terms and provisions of the UDC (typically bulk standards, such as setbacks, structure height, lot area, etc). See UDC Section 50-37.9 for more information.

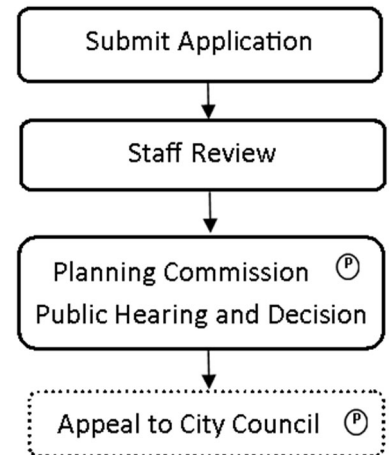
Starting the Application Process

- Call 218-730-5580, email planning@duluthmn.gov or visit www.duluthmn.gov/eplace to request a pre-application meeting.
The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

Your Application

- Submit your application materials by the Planning Commission application deadline.
 - Visit www.duluthmn.gov/eplace to submit your application.
 - Click on "Apply" and search for your application type. (You will need to sign in to the system, or create a new account if you do not already have one.)
 - Follow the prompts to fill in information. Required information is indicated with an asterisk.
 - On the attachments page, upload the following:
 - A survey of the property (required for all variances, unless waived in advance by the Land Use Supervisor).
 - Site plan or exhibit with the location of current structures on the property and the proposed requested variance area (such as proposed location of new structure). This information can also be illustrated on the survey. For shoreland variances, include the location of the Ordinary High Watermark (OHM) of the waterway, and the distance to the subject of the variance (proposed structure, etc)
 - A brief written statement affirming that the property has obtained all required City permits (i.e. all the structures on the property have received building permits, where applicable; property owner has a valid rental license, where applicable, etc).
 - Variance supplemental application form (completed from aforementioned prompts)
 - Materials for specific variances:
 - 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](#)
 - After your application is complete, click "Add to Cart" for the fee listed, and pay the fee. **Applications without a fee will not be reviewed or accepted.**

Variance



[Ⓟ] Indicates Public Hearing Required

Important Dates

Application Deadline:

Sign Notice Placed:

Planning Commission:

Effective*:

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

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an “Applicant Letter,” which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. 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.**

3. 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 establish 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.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing and Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

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

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

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.

*If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted.*

*If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted.*