

## 3.10 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.

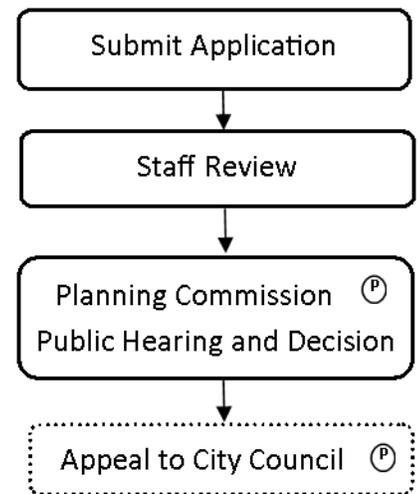
#### Starting the Application Process

- You must discuss proposed variances with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting, and make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application. 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

- Application Cover Sheet and Applicable Fee. Please be clear as to what specific UDC section you are seeking relief from (example: UDC Section 50-14.5, side yard setback in an R-1 zone district) and what your specific request is (example, side yard setback in R-1 is 6 feet, asking for relief to build 2 feet from side yard)
- A survey of the property (required for all variances, unless waived in advance by the Land Use Supervisor). Also, a 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
- 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

### 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*

*Variances within Skyline Parkway Overlay: see Skyline Parkway Materials in [Appendix](#)*

## **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.*



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
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Duluth, Minnesota 55802

 218-730-5580

 [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

## 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 will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

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

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**1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:**

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**2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:**

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**3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:**

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**4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:**

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**5. Please explain how that if the variance is granted it will not 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:**

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**6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:**

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**Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?**                      Yes    No

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

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