

## CITY OF DEEPHAVEN FILING REQUIREMENTS – VARIANCE

Unless waived by the Zoning Coordinator you must provide all of the following items with this application that apply to your request. Incomplete applications will delay your request.

### Complete

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Incomplete

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Meeting with Zoning Coordinator

Nonrefundable Filing Fee of \$300.00

Application for Variance

### **Paper copies & an electronic copy (pdf) of the following drawings or plans:**

\_\_\_\_\_

\_\_\_\_\_

1 full size scalable certified survey and 1 (11 x 17) copy

- A certified survey with legal description and street address
- Parcel size in Acres and Square Feet
- Topography of the site - for major construction delineate grading and drainage plan with contours at two-foot intervals;
- Location and dimensions of all the existing improvements, including; buildings, structures, retaining walls, steps, parking areas, driveways, storage areas, utilities and wells;
- Location and dimension of all proposed buildings and structures;
- Impervious surface calculations - existing and proposed - % and square footage;
- Outline the setbacks "building pad" on the survey according to the ordinance provisions and show the closest distance between the buildings and front, side, lake and rear lot lines;
- Distance between principal buildings and accessory buildings and structures;
- Massing, building height, and structure height calculations;
- Delineate all wetland, OHWL of Lakes, bluffs, easements and driveways.
- Significant tree conditions and all significant trees proposed to be removed.

_____	_____	1 large scale copy and 1 (11x 17) set of scalable elevation of the proposed structure(s) on all sides & indicate structure height at the roof peak per City Ordinance. Scale must be appropriate for the size of the project (1 inch = 10 feet or 1 inch = 20 feet is preferred in most cases).
_____	_____	1 (11 x 17) set of the floor plan (existing and proposed);
_____	_____	Stake the location in the field of proposed buildings, structures and lot lines;
_____	_____	Applicant is responsible for producing any colored copies;
_____	_____	Stormwater management plans and specifications (if applicable);
_____	_____	Lighting plan for sports courts, pools, new home construction and accessory buildings, driveways and parking areas (if applicable); and

**City of Deephaven – Variance Application Filing Requirements**

- 1) Consult with the Zoning Coordinator to determine the ordinances and procedures applicable to your application. Applications are submitted to the Zoning Coordinator.
- 2) Tree removal, land alteration and wetland alteration all require separate permits and approval from the City.
- 3) All plans, applications and written information become public information once filed, which may be used in the staff report and distributed to the Council and public.
- 4) Application and related materials are due to the Clerk’s office by published Planning Commission application deadline. (Speak with Zoning Coordinator with questions)
- 5) The Planning Commission typically meets on the third Tuesday of each month to review requests and the City Council typically meets on the First Monday of the following month to consider variance requests. The Planning Commission makes it’s recommendation to the City Council, which makes the actual decision on variance requests. Applicant(s)’s and Owner(s)’s presence at both meetings is strongly encouraged as questions may be asked of you that would better assist the Planning Commission and City Council in making an informed decision.
- 6) Notice will be published in the designated paper prior to the Planning Commission meeting and notice will be sent to residents within 350 feet of the subject property.
- 7) If approval is granted you may apply for a building permit.
- 8) **Expiration:** If a variance is granted for the property and the construction of the structure for which it was granted is not commenced within one year after the date of the Council Resolution approving the variance, the variance will expire and will be of no further force and effect.
- 9) The City reserves the right to require additional plans or information as necessary.
- 10) Submittal of an application grants the City permission to inspect and photograph the property.

**Zoning Coordinator Dale Cooney**  
**City of Deephaven**  
**20225 Cottagewood Road**  
**Deephaven, MN 55331**

**Phone: 952-358-9938**  
**Fax: 952-474-1274**  
**Email: [dalec@mediacombb.net](mailto:dalec@mediacombb.net)**

**City of Deephaven – Variance Application Filing Requirements**

- \_\_\_\_\_ Date materials received (complete - incomplete), with electronic copy forwarded to Planning Commission members
  
- \_\_\_\_\_ Date sent either notice of incomplete information or notice that information is complete (within 15 work days from date materials received (above)), with email copy of notice to Mayor and Councilmembers
  
- \_\_\_\_\_ 60 day deadline \_\_\_\_\_
  
- \_\_\_\_\_ Notice of 60 day extension
  
- \_\_\_\_\_ Planning Commission Meeting (Public Hearing)
  
- \_\_\_\_\_ Applicant given Meeting Schedule

**City of Deephaven**  
 20225 Cottagewood Road  
 Deephaven, MN 55331  
 952-474-4755  
 www.greenwoodmn.com

**Variance Application**

**Applicant is (circle one) Owner Developer Contractor Architect Other** \_\_\_\_\_

Property address for which variance is requested \_\_\_\_\_

Applicant (individual or company name): \_\_\_\_\_

Contact for Business: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Wk Phone: \_\_\_\_\_ Hm Phone: \_\_\_\_\_

Email address: \_\_\_\_\_ Fax: \_\_\_\_\_

Present use of property: \_\_\_\_\_

Property acreage: \_\_\_\_\_

Existing Variances: Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain \_\_\_\_\_

Describe Request: Build New \_\_\_\_\_ Add On \_\_\_\_\_ Remodel \_\_\_\_\_ Replace \_\_\_\_\_

What is the Variance being requested for: \_\_\_\_\_

Variance of:

	<b>Required</b>	<b>Proposed</b>
_____ Side Yard	_____ feet	_____ feet
_____ Front Yard	_____ feet	_____ feet
_____ Rear Yard	_____ feet	_____ feet
_____ Lake setback	_____ feet	_____ feet
_____ Building height	_____ feet	_____ feet
_____ Structure height	_____ Feet	_____ feet
_____ Wetland	_____ feet	_____ feet
_____ Impervious Cover	_____ sq ft	_____ Sq ft
_____ Shoreland	_____ feet	_____ feet
_____ Massing	_____ volume	_____ volume
_____ Other	_____ feet	_____ feet
<b>If other, please explain</b>		

## MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause a practical difficulty because of circumstances unique to the individual property under consideration, *and*, B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Practical Difficulty" as used in connection with the granting of a variance means: 1) the property owner proposes to use the property in a reasonable manner, but one which is not allowed by the city's zoning ordinance, 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, *and* 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty in establishing a practical difficulty please consider alternatives to your construction plans that may remove the need for a variance.

*The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.*

Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

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Establishing Practical Difficulty:

1. The landowner's (Applicant's) proposal puts the property to a reasonable use because:

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2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

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3. The variance, if granted, will not alter the essential character of the locality because:

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Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

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Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.

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Describe the effect of the variance, if granted, on traffic congestion in the public street.

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Describe the effect of the variance, if granted, on the danger of fire.

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Describe the effect of the variance, if granted, on the danger to public safety.

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Describe the effect of the variance, if granted, on established property values in the surrounding area.

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Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.

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Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

\_\_\_\_\_ LMCD # 952-745-0789

\_\_\_\_\_ Watershed District # 952-471-0590

**Applicant’s Acknowledgement & Signature(s)**

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. The applicant certifies that the information supplied is true and correct to the best of his/her knowledge.

The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant with in 15 business days of application.

I am the authorized person to make this application and the fee owner has also signed this application.

**Applicant’s Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner’s Acknowledgement & Signature(s)**

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

**Owner’s Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner’s Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Note** – Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.