



City of Maplewood
Community Development Department
1830 County Road B East | Maplewood, MN 55109
(651) 249-2300 | www.MaplewoodMN.gov

Fee: \$1,385

VARIANCE, APPEALS OR SPECIAL AGREEMENT FILING REQUIREMENTS

Please email the following upon submission of your online application unless waived by the Community Development Director. Applications will not be deemed complete until all supporting documentation and payment have been submitted.

1. [Property Owner Authorization form](#) (if the application is submitted by someone other than the property owner)
2. PDF of all project plans ("8 ½ x 11" in size), project statements or narratives.
3. Five (5) printed copies of the site survey 11" X 17" in size, drawn to scale (if applicable).
4. One (1) printed set of 8 ½" x 11" reductions
5. An application fee of \$1,385. In addition, variance applications must include an additional \$46 to pay the County for recording a City resolution.
 - Payment by credit card payment can be made upon online application submission (a 2.5% convenience fee applies). If you choose not to pay by credit card you may select 'Pay Later' and submit the application; however, a check payment must be submitted to the address above to complete the application.
 - **The application fee is non-refundable.** The recording fee is refundable if the City denies your application.

ZONING CODE VARIANCE:

1. A certificate of survey showing property lot lines and the location of existing and proposed buildings. Show all dimensions and any existing easements.
2. Application Narrative – describe the variance and provide justification for the request.
3. State law requires that the City make specific findings before granting a variance. Include a separate written statement justifying the variance based on the required findings outlined below **(A & B)**.
 - A. A city may grant a variance if enforcement of a zoning ordinance provision, as applied to a particular piece of property, would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties.
 - Reasonableness: The property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.
 - Uniqueness: The second factor is that the landowner's problem is due to circumstances unique to the property, not caused by the landowner. Where there are physical characteristics of the particular piece of property that are unique, such as sloping topography or other natural features like wetlands or trees.

- Essential character: The third factor is that the variance if granted, will not alter the essential character of the locality. Where the resulting structure would be out of scale, out of place, or otherwise inconsistent with the surrounding area.

B. Variances are only permitted when they are in harmony with the general purposes and intent of the city ordinance and the terms of the variance are consistent with the city's comprehensive plan.

WETLAND SETBACK VARIANCE:

1. A wetland delineation report prepared by a trained and certified wetland person.
2. The edge of the wetland and the proposed setbacks shall be shown on a certificate of survey and site plan.
3. State law requires that the City make specific findings before granting a variance. Include a separate written statement justifying the variance based on the required findings outlined below **(A & B)**.

A. A city may grant a variance if enforcement of a zoning ordinance provision, as applied to a particular piece of property, would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties.

- Reasonableness: The property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.
- Uniqueness: The second factor is that the landowner's problem is due to circumstances unique to the property, not caused by the landowner. Where there are physical characteristics of the particular piece of property that are unique, such as sloping topography or other natural features like wetlands or trees.
- Essential character: The third factor is that the variance if granted, will not alter the essential character of the locality. Where the resulting structure would be out of scale, out of place, or otherwise inconsistent with the surrounding area.

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Interpretation of Code:

1. Written justification for your appeal. Outline facts where you believe the administrative official erred in interpreting the code.

Building Code Appeal:

1. Written justification for your appeal.
2. Testing results that indicate that your proposal is equivalent to or better than the code requirement.
3. Six (6) sets of plans indicating the method of application to the particular job.

Special Council Agreement (for building):

1. A site plan drawn to scale showing your lot lines and the location of existing and proposed buildings. Show all dimensions and any existing easements.
2. A written statement explaining why the City Council should approve your special agreement.

NOTES

Try to discuss your proposal with adjacent property owners before you submit a formal application. Any conflicts that you can resolve ahead of time will make it easier and faster for the City to process your application.



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VARIANCE, APPEALS OR SPECIAL AGREEMENT PROCEDURE

1. Submit the application using the Accela Citizen Access (ACA) portal at www.maplewoodmn.gov/ACA; all supplemental documents should be e-mailed directly to the City Planner.
2. The Community Development Director will schedule a public hearing with the Planning Commission. The Planning Commission meets on the third Tuesday of the month at 7 p.m.
3. The Planning Commission will make a recommendation to the City Council.
4. The Director will schedule a public meeting with the City Council. The City Council will then make a decision.
5. Once the City considers your application(s) complete the City's review of and Council's action on your application(s) will take 60 to 120 days.
6. City staff will notify you of all meetings.

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