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CITY OF BACKUS
VARIANCE
APPLICATION

Please read the variance application in its entirety before submitting the application. Applications must be submitted 30 days before the City Council meeting. The full land use ordinance is available at City Hall or available online.

WHAT IS A VARIANCE?

A variance is a legally permitted deviation from the provisions of the Ordinance as deemed necessary by the City when the strict interpretation of the Ordinance would create undue hardship and be impractical because of circumstances related to lot size, shape, topography or other characteristics of the property. The deviation from the Ordinance, with any attached conditions, must still be in keeping with the spirit and intent of the Ordinance. Variances cannot be given to create a land use that is not permitted in a zone.

The City Council and acting Planning Commission, must consider the following when evaluating a variance application:

1. Is the variance request in harmony with the purposes and intent of the Land Use Ordinance?
2. Is the variance consistent with the Comprehensive Plan?
3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
4. Is the need for a variance due to circumstances unique to the property and not created by the property owner?
5. Will the issuance of a variance maintain the essential character of the locality?
6. Does the need for a variance involve more than economic considerations?

APPLICATION

- A. Applicant shall complete a Variance Application provided by the City Clerk and submit to the City Clerk **30 days prior** to scheduling public hearing.
- B. Application shall be accompanied by nine (9) prints of site plan drawing complete with, as a minimum, the information from the Variance Checklist.

- C. Application shall be accompanied by application fee made payable to the City of Backus. **This fee does not cover the Land Use Permit, which must be filed separately, if necessary.**
- D. The City Council, acting as Planning Commission, holds their monthly meeting on the first Monday of the month at 6:30 pm at the Backus City Hall. Meetings are held as needed, so coordinate with the City Clerk for placements on the agenda.

REVIEW:

- A. The Community Development Administrator reviews the application for completeness and assigns a reference number to the application, plans and any other attachments. The applicant will be notified within ten days if additional information is required to complete the application.
- B. After receipt of a completed Variance Application and supporting documents, the City Clerk shall schedule a public hearing date on the City Council's agenda for the earliest possible opening. Applicant will be notified by mail of the date and time of the public hearing.
- C. The Community Development Administrator will prepare a Staff Report on the application. The Staff Report will be available for public review at City Hall and online typically one week prior to the scheduled meeting date.
- D. The City Fee Schedule is based on average processing and review costs for all applications. When costs exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to obtain in reviewing permits. The City may withhold final action on any application and/or hold the release of such permits until all fees are paid.

ACTION:

- A. The City Council, acting as Board of Adjustment, shall hold a public hearing on the variance application.
- B. At the conclusion of the public hearing and after consideration of the testimony presented, the Board of Adjustment shall make a decision on the application. The application can be approved, denied or tabled in order to gather additional information.



APP # _____
Date _____
Fee _____
(for office use only)

**CITY OF BACKUS
VARIANCE APPLICATION**

Name of Applicant _____ Phone _____

Property Address (E911#) _____ Local Phone _____

Mailing Address _____ Email _____

City, State, Zip _____ (if different than above)

Applicant is:		Title Holder of Property <i>(if other than applicant)</i>
Legal Owner	<input type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name) _____
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address) _____
Other _____		_____
		(City, State, Zip) _____

Property ID # (9 digit # on Tax Statement) _____

Zoning District _____

What are you proposing for the property? State nature of request in detail: _____

What changes (if any) are you proposing to make to this site?

Building: _____

Landscaping: _____

Parking/Signs: _____

Signature of Owner, authorizing application (required) _____
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

The applicant should be prepared at the public hearing to explain the unique hardship for the proposed variance. A hardship is defined as a condition whereby the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the Ordinance. Please complete all of the following questions:

- (1) What are the unique circumstances of the parcel size, shape, topography or other characteristics that make strict interpretation of the Ordinance impractical?

- (2) How is granting this variance consistent with the intent of City of Backus Land Use or Subdivision Ordinance?

- (3) How will reasonable use of the parcel be deprived if the variance is not granted?

- (4) What other options, either conforming or non-conforming, have been considered and why were those options not chosen?

- (5) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

- (6) Describe character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

(7) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

(8) Describe the impact on the character of the neighborhood in which the property is located.

(9) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

(10) Discuss any environmental limitations of the site or area.

(11) Please include any other comments pertinent to this request.

CITY OF BACKUS
VARIANCE CHECKLIST

- _____ Completed application, including signature of property owner
- _____ Fee
- _____ Nine prints of the site plan (11"x 17" maximum size, 8.5" x 11" preferred)
- _____ Sewer Compliance Inspection Report (if ISTS) if applicable
- _____ All current City charges paid
- _____ No outstanding violations
- _____ Site plan as close to scale as possible with the following information, as a minimum (unless waived by Community Development Administrator)*:
 - _____ Legal Description of Site
 - _____ Size of parcel and dimensions
 - _____ All existing structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other
 - _____ All proposed structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other
 - _____ Location on the parcel of existing and proposed sewage treatment systems (ISTS), if applicable, and wells and their distance from property lines, structures and each other
 - _____ Existing and/or proposed square footage of the driveway (gravel and paved), access roads, parking, sidewalks
 - _____ Proposed landscaping, screening and drainage plans (required)
 - _____ Location of the subject property (a copy of the tax map can be used)
 - _____ Name of record owner/title holder of property
 - _____ Approximate location of existing and proposed water courses, wooded areas, and other significant physical features
 - _____ Approximate location of any proposed signs

** Under certain circumstances, the City may require a professionally prepared property survey, stormwater management plan, and/or landscaping plan.*

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CITY OF BACKUS CONTACT INFORMATION

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