



**City Of Wyoming**  
26885 Forest Blvd., PO Box 188  
Wyoming, MN 55092  
Phone (651) 462-4947 Fax (651) 462-3938

**VARIANCE**  
**LAND USE APPLICATION**

A variance application initiates a request for an allowance to vary from the terms of the Ordinance and is heard by the Planning Commission who will make a recommendation to the City Council. The City Council will make the final decision.

**Property Address:** \_\_\_\_\_

**Applicant(s) Information:**

Name(s) \_\_\_\_\_ Home \_\_\_\_\_  
Address \_\_\_\_\_ Work \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

**Owner(s) Information:** (if other than Applicant(s))

Name(s) \_\_\_\_\_ Home \_\_\_\_\_  
Address \_\_\_\_\_ Work \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

**Owner(s) Signature(s)** \_\_\_\_\_ **Date** \_\_\_\_\_

Legal description of property: \_\_\_\_\_

Property Identification Number: R.21 Present zoning: \_\_\_\_\_

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

Proposed use of property: \_\_\_\_\_

Description of request: \_\_\_\_\_

**This application and the following attachments must be submitted to be considered a complete application:**

1. A detailed map of the property showing the location of existing and proposed structures and improvements and existing land uses and buildings of adjacent properties within 500 feet. A survey is required for all setback variances.
2. A letter to the Planning Commission describing the variance request and how the request satisfies the criteria found in Sec. 40 – 120, (5), (a) – (j).
3. A completed Variance Worksheet (attached).
4. The variance fee (\$220.00) must be paid at the time of application. The application fee and escrow must be paid at the time of application. The fee is not refundable. The unused portion of the escrow will be returned to the applicant.
5. Any other information deemed necessary by the Zoning Administrator or Planning Commission. *(A variance application for a property in a Shoreland District must include a valid Septic System Certificate of Compliance)*

**A public hearing can be scheduled only after a complete application has been received.**

Signature of applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

*As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. All of Article V, Division 7, Variances, is attached to this application and by signing this application, the applicant acknowledges that it has been read and understood.*

\*\*\*\*\*  
Application # \_\_\_\_\_ OFFICE USE ONLY Date Application Received \_\_\_\_/\_\_\_\_/\_\_\_\_

Date Complete Application Received \_\_\_\_/\_\_\_\_/\_\_\_\_ 60 Days \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_

**Fee \$220.00 + Escrow \$750.00** Date Paid \_\_\_\_/\_\_\_\_/\_\_\_\_ Official Check # \_\_\_\_\_

# City of Wyoming Variance Worksheet

Applicant(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Variance request description: \_\_\_\_\_

City Ordinance Section number: \_\_\_\_\_

Answer the following questions based on the criteria found in Sec. 40 – 120, (5), (a) – (j). If needed use a separate page. All questions must be answered.

**Criteria #1** *The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.*

**Applicant** - Can the property in question be put to a reasonable use if used under the conditions allowed by this Ordinance? YES \_\_\_ NO \_\_\_

Describe: \_\_\_\_\_

**Criteria #2** *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control.*

**Applicant** - Do exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and do they result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control? YES \_\_\_ NO \_\_\_

Describe: \_\_\_\_\_

**Criteria #3** *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

**Applicant** - Does the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance? YES \_\_\_ NO \_\_\_

Describe: \_\_\_\_\_

**Criteria #4** *The special conditions or circumstances do not result from actions of the applicant.*

**Applicant** - Do the special conditions or circumstances result from actions of the applicant? YES \_\_\_ NO \_\_\_

Describe: \_\_\_\_\_

**City of Wyoming Variance Worksheet (Cont.)**

**Criteria #5** *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.*

**Applicant** - Will granting the variance requested confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? YES \_\_\_ NO \_\_\_

If yes, describe. \_\_\_\_\_

\_\_\_\_\_

**Criteria #6** *The variance requested is the minimum variance which would alleviate the hardship.*

**Applicant** - Is the variance you are requesting the minimum variance which would alleviate the hardship? YES \_\_\_ NO \_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

**Criteria #7** *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.*

**Applicant** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? YES \_\_\_ NO \_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

**Criteria #8** *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.*

**Applicant** - Is the requested variance for economic reasons? YES \_\_\_ NO \_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

**Criteria #9** *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.*

**Applicant** - Is the property in a Flood Plain District? YES \_\_\_ NO \_\_\_

**Criteria #10** *Variances shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance.*

**Applicant** - Is the variance for earth-sheltered construction? YES \_\_\_ NO \_\_\_

If yes, how is the request in harmony with the ordinance? \_\_\_\_\_

\_\_\_\_\_



- (i) In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.
  - (j) Variances shall be granted for earth sheltered construction by state statutes when in harmony with this Ordinance.
- (6) In considering all requests for a variance, the Planning Commission shall make a finding of fact as appropriate that the proposed action will not:
- (a) Impair an adequate supply of light and air to adjacent property.
  - (b) Unreasonably increase the congestion in the public right-of-way.
  - (c) Increase the danger of fire or endanger the public safety.
  - (d) Unreasonably diminish or impair established property values within the neighborhood.
  - (e) Cause an unreasonable strain upon existing municipal facilities and services.
  - (f) Be contrary in any way to the spirit and intent of this Ordinance.
  - (g) Have a negative direct or indirect fiscal impact upon the City or school district, unless the proposed use is determined to be in the public interest.
- (7) The Planning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the City to review the request or to establish performance conditions in relation to this Ordinance.
- (8) After receipt of a complete application for a variance, the Planning Commission shall make preliminary findings of fact and recommend approval or disapproval or approval with modifications, alterations, or differing conditions. Such preliminary findings and recommendations with modifications, alterations, or differing conditions shall be in writing and made part of the Commission's records.
- (9) All decisions of the Planning Commission shall be advisory to the City Council.
- (10) Upon receiving the report and recommendation of the Planning Commission the City Council shall place the report and recommendation on the agenda at its next available regular meeting. Such reports and recommendations shall be entered in and made part of the permanent record of the City Council.
- (11) Upon receiving the report and recommendation of the Planning Commission and after receiving such additional testimony as it may deem appropriate, the City Council shall either:
- (a) Approve or disapprove the request as recommended by the Planning Commission, or
  - (b) Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the records of the City Council; or
  - (c) Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a single action.
  - (d) Should the City Council approve or deny the applicants request contrary to the Planning Commission's recommendation, the City Council shall include in their Findings of Fact the reason for their differing decision.
- (12) The Zoning Administrator or the City Clerk shall notify the applicant of the City Council's action in writing, and if the action relates to land located within a Shoreland District or a Floodplain District notice shall also be given to the Commissioner of the Minnesota Department of Natural Resources or his authorized representative within ten (10) days of the final decision.
- (13) After receipt of a complete (as defined in Sec. 40 – 120, (2)) variance application, the City Council shall approve or deny the application. If the application is not complete, the Zoning Administrator shall submit a written notice of missing material.

**Sec. 40 - 121. Lapse of Variance.**

Whenever within one (1) year after granting a variance, the work as permitted by the variance shall not have been completed, then such variance shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petitions. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such petition shall be presented to the Planning Commission for a decision, and shall be requested only one time on a singular action.

**Sec. 40 - 122. Performance Bond.**

The Planning Commission shall have the authority to recommend to the City Council, a performance bond, or other securities when it is deemed appropriate. The City Council will make the final determination.

- (1) Except in the case of non-income producing residential property, upon approval of a variance the City will be provided with a surety bond, cash escrow certificate of deposit, securities or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance and the ordinances of the City.
- (2) The security may be in the amount of the City's estimated costs of labor and materials for the proposed improvements or development.
- (3) The City may hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance and ordinances of the City have been issued by the Zoning Administrator.
- (4) Failure to comply with the conditions of the variance and ordinances of the City may result in forfeiture of the security.

Secs. 40 - 123—40 - 129. Reserved.