



# Expansion Permits

---

## **WHAT IS AN EXPANSION PERMIT?**

In 2004, the Minnesota Legislature adopted a law addressing non-conforming uses. The law allows non-conforming uses to be replaced but not expanded unless a city adopts an ordinance specifically allowing expansions. The law does not establish the specific ordinance language or process by which cities may allow expansions of non-conforming uses.

In 2010, the city adopted an ordinance allowing for expansion of existing non-conforming uses when proposed expansion would NOT intrude into one or more setbacks beyond the distance of the existing structure or would NOT exceed the height or size limitations by a distance or amount greater than the existing non-conformity.

## **WHEN CAN AN EXPANSION PERMIT BE APPROVED?**

An expansion permit for a non-conforming use may be granted, but is not mandated, when an applicant meets the burden of proving that:

- The proposed expansion is a reasonable use of the property;
- The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and
- The expansion would not adversely affect or alter the essential character of the neighborhood.

## **WHAT IS THE CONDITIONAL USE PERMIT PROCESS?**

- A property owner or their representative completes an Expansion Permit application and submits this application with all required documents to the Minnetonka Planning Division.
- The city sends out notification to all property owners within at least 400 feet of the property for which the Expansion Permit is being requested. These property owners are encouraged to use the **MyMinnetonka** function of the city's website to comment on the request. These owners are further invited to attend a planning commission public hearing which is held to consider the request.
- City staff reviews the submitted application and documents and prepares a written report recommending either approval or denial of the permit request. The written report, which includes any neighborhood comments received, is forwarded to the property owner or their representative and to the planning commission.
- The planning commission holds a public hearing on the Expansion Permit request. During the public hearing: (1) staff makes its recommendation; (2) the applicant or their representative have an opportunity to address the commission; (3) area residents are given an opportunity to ask questions and speak for or against the request. Following the public hearing the Planning Commission discusses the request and votes to approve, deny, or table the request.
- Any person aggrieved by a planning commission decision may appeal the decision to the city council. Appeals must be made in writing to the planning division and within 10 days of the planning commission's decision.