



Variances

This handout summarizes the Variance process. However, it is not all-inclusive. Please contact a planner at 952-939-8290 with specific questions regarding your project.

What is a Variance?

The zoning ordinance is a document that outlines all regulations associated with the use and development of residential and non-residential properties. If a proposed use and/or development of a property meets all zoning ordinance standards, as well as all standards outlined in other sections of city code, the city is legally obligated to approve that use and/or development.

If a proposed development of a property, whether new construction or additions to existing structures, does not meet one or more of the zoning ordinance standards, a property owner may apply for a Variance. A Variance is defined as “a modification from the literal requirements of the ordinance.”

When can a Variance be Approved?

A variance may be granted from the literal provisions of the ordinance when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means that the property owner proposes to use the property in a reasonable manner not permitted by this ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the neighborhood. Economic considerations alone do not constitute practical difficulties.

What is the Variance Process?

- A property owner or their representative completes a Variance application and submits this application with all required documents to the planning division.
- The city sends out notification to all property owners within at least 400 feet of the property for which the Variance 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 Variance 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 Variance 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.