

CITY OF AFTON

VARIANCE APPLICATION

Reference Sections:

160.005, 153.026, 156.022, 157.64, 159.107, 160.016, 154.05, 155.37

FEE

\$450

DEPOSIT

\$600*

<p>RENEWAL/EXTENSION</p>

<p>FEE</p>

<p>\$250</p>

<p>DEPOSIT</p>

<p>\$350*</p>

***FEES ARE DEDUCTED FOR
PROFESSIONAL PLANNING,
ENGINEERING, AND ATTORNEY FEES**

CITY OF AFTON VARIANCE APPLICATION

(Reference Sections: 160.005, 153.026, 156.022, 157.64, 159.107, 160.016, 154.05, 155.37)

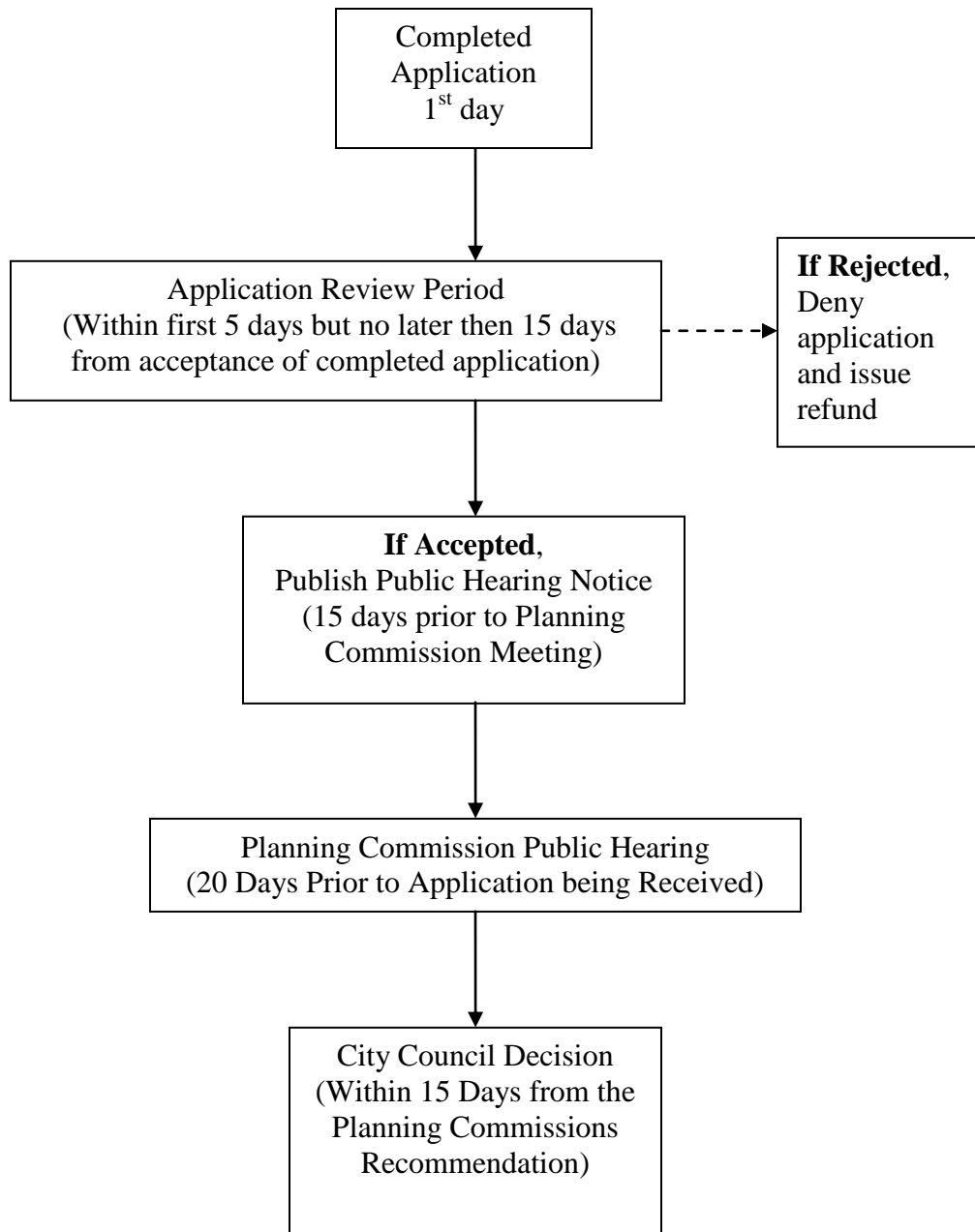
Owner	Address	City	State	Zip	Phone
_____	_____	_____	_____	_____	_____
Applicant (if different than owner)	Address	City	State	Zip	Phone
_____	_____	_____	_____	_____	_____
Project Address		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
_____	_____	_____			
Please list the section(s) of the code from which the variance(s) are requested.					

Description of Request					

By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant			Date		
_____			_____		
Email Address: _____					
Make checks payable to: City of Afton					
If multiple variances are necessary from the applicant only one fee is required. However, the deposit fee must be multiplied by the number of variances sought.					
<u>FEES:</u>		<u>ESCROWS:</u>			
Variance	\$450	\$600	TOTAL:	_____	
Renewal/Extension	\$250	\$350	DATE PAID:	_____	
			CHECK #:	_____	
			RECVD BY:	_____	
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

**CITY OF AFTON
VARIANCE FLOW CHART**

VARIANCE APPLICATIONS MUST BE RECEIVED NO LATER THAN **20** DAYS PRIOR TO THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING



**CITY OF AFTON
VARIANCE CHECKLIST**

APPLICANT	CITY
_____ Design Review/Historic Preservation Commission notification (VHS-R, VHS-C, I, or MS)	_____
_____ Completed application form, including full legal name (first, middle, and last) and address of the applicant, fee owner, and any other persons having a legal interest in the property.	_____
_____ Fee as set forth in the current Fee schedule as adopted by the City.	_____
_____ Location map showing the general location of the proposed use within the City.	_____
_____ Legal description of the property, including street address, if any, property identification	_____
_____ Written statement explaining requested use of the property or building and reasons variance from code standards is needed (hardship). Also address impact on adjacent properties and measures (if any) that will be taken to minimize impacts.	_____
_____ Site Plan (and/or Certificate of Survey) drawn to scale showing:	_____
Property dimensions	
Adjacent roads and location of existing and proposed curb cuts, driveways, and parking spaces	
Location of existing and proposed buildings, including setbacks, dimensions and	
Location of bluffline or distance from crest of slope of 18 percent or greater	
General existing topographic and soils information	
General existing vegetation and landscaping/screening information	
Location of wetlands (if applicable)	
Location of existing and proposed wells and septic systems (if applicable)	
Grading and drainage plans (if applicable)	
_____ If request involves a building, drawing (or photographs) of building elevations showing:	_____
Height of building	
Exterior building materials and colors	
Floor plan	
_____ An accurate list showing names and mailing addresses (and labels) of the recorded owners of all property within a minimum of 500 feet of the boundaries of the property for which the application is submitted. Obtain from Washington County Survey & Land Management 651-430-4300	_____
_____ Any other such information as the Zoning Administrator may reasonably require to complete the review of the request	_____

Note: The City may waive or modify some of these submittal requirements if appropriate to the specific situation. Call the Afton City Planner at (612) 548-3137 with questions about specific submittal requirements.

CITY OF AFTON

VARIANCE REVIEW CRITERIA

Sections 153.026 of the Afton City Code define the parameters and procedures for review of a variance request, including the following:

- A variance may be granted in instances where strict enforcement of literal provisions would cause practical difficulty because of circumstances unique to the individual property under consideration.
- Actions must adhere to the spirit and intent of the Zoning Ordinance and Comprehensive Plan.
- Practical difficulty means the proposed use cannot be established under the conditions allowed by the official controls of the City's Ordinance and no other reasonable alternative use exists.
- To grant a variance, it must be determined that the plight of the landowner be due to physical conditions unique to the land, structure or building involved.
- Economic considerations alone shall not constitute a practical difficulty.
- Written findings stipulating the reasons for the decision shall be made.

Other Zoning Reference Sections for Variances:

Listed below are references to other zoning sections that may be applicable to your project. There may be others as well.

Section 160.005	Definitions
Section 156.022	Shoreland Management
Section 157.64	St. Croix River Bluffland
Section 159.107	Floodplain District
Section 160.016	Subdivisions

Please contact the Afton Zoning Administrator at 651-436-5090 with further questions.

**CITY OF AFTON
DESIGN REVIEW/HISTORIC PRESERVATION COMMISSION
(DR/HPC)**

What is the Commission?

The DR/HPC is an official commission of the City of Afton whose job is to preserve the historic 1850-1920 character of Afton. Within the historic district of Afton, building permits can only be issued with the approval of the DR/HPC and the building official.

Initial Concept Review

An informal, optional, concept review is desirable, but not required. The purpose of the initial concept review is to provide feedback and advice to a potential applicant regarding important issues prior to a formal design review. To do this, notify the City Administrator 10 days in advance of the regular meeting of the DR/HPC which takes place on the first Thursday of each month. If less than 10 days notice, the potential applicant may still request a concept review, on a walk-in basis, by attending a DR/HPC Meeting. Walk-in requests are subject to the discretion of the Commission. Potential applicants will be asked to provide their name, location of project, preliminary sketches and any apparently important background information.

Formal Design Review

A formal design review takes place upon receipt of application and the following materials. These submissions must reach the City Administrator 15 days prior to the regularly scheduled DR/HPC meeting.

- An articulated idea/sketch or concept
- Photos and historic information
- Historic Compliance Statement
- Description or samples of materials and colors
- Plans and elevations to scale
- Site plan
- A preliminary timeline for the project

For a building permit to be issued, submit 6 sets of the site plan and exterior elevation of the proposed structure(s) to the DR/HPC. If significant changes to a site, additional drawings depicting the relationship of new structure(s) to its (their) surroundings or grading and landscaping plans may also be required.

We encourage all applicants for building permits to contact the committee at an early stage for a concept review of the initial plans. In discussion with the commission, plans are often altered to establish period correct designs. Therefore, for the initial concept review, present only an idea/sketch and supporting information before drawing up the final plans.

Helpful Notes:

- 1) Put yourself back in time to when the building was built or how a building would have looked in the period of 1850-1920, how it would have been constructed and with what materials.
- 2) In an Historic Compliance Statement the owner or architect of the building explains briefly why the proposed building or changes to the building are appropriate in the context of historic Afton.
- 3) For guidance the applicant can review the city ordinances 12-142 and the Design Review Guidelines book of design at city hall. The Afton Historical Museum (651-436-3500) also has an interesting collection of photos to form ideas for new construction and to find old pictures of existing homes.

Need more information?

Please call **651-436-5090** for information; to schedule informal DR/HPC review and to discuss your plans.

City of Afton

QUICK Zoning Reference Guide

BUILDING, ZONING AND DRIVEWAY PERMITS ARE ISSUED BY THE CITY OF AFTON

THIS DOCUMENT IS TO BE USED ONLY AS A QUICK REFERENCE GUIDE TO AFTON'S CITY CODE, CHAPTER 12, ZONING REQUIREMENTS. PLEASE NOTE THERE MAY BE OTHER REQUIREMENTS WHICH MAY TAKE PRECEDENCE. THEREFORE, IT IS IMPORTANT FOR YOU TO REVIEW CHAPTER 12 PRIOR TO SUBMITTING PERMIT APPLICATIONS TO THE CITY FOR APPROVAL.

Contact Person:

Afton City Planner, Claire Stickler, 612-548-3137
Building, Zoning, Driveway Permits: Isaac Stensland, Bldg. Inspector 651-436-7669
Septic System Permits: Septic Inspector, Washington County Public Health 651-430-6673
Access Permits for County Roads: Jennifer Oehler, Wash County Public Works 651-430-4313
Access Permits for State Highways: MN Dept of Transportation 651-582-1000

Zoning Approvals:

Administrative Permits are required by the City of Afton for all swimming pools, tennis courts and accessory buildings located between the principal building and the street.

Fence, Sign, Grading or Vegetative Cutting Permit Requirements: Contact the City Planner 612-548-3137 or the Building Inspector 651-436-7669.

Septic Upgrades:

Remodeling, structural alterations, additions, decks and basement finishes may require non-conforming septic systems to be upgraded. Septic systems required to be upgraded must be approved and a permit issued by Washington County Public Health prior to issuance of a building permit or acceptance of a development agreement by the City.

Addresses: The City Clerk 651-436-6469 and the Building Inspector 651-436-7669 issue new property addresses.

MINIMUM DWELLING SIZE - Main Floor Area: 800 square feet

Minimum Lot Sizes *	Structure Setbacks		Setback From		Setback From		Refer to Section
	Side	Rear	City Street **	County Road **			
A 1 Dwelling unit/10 acres	50'	50'	105'	C/L	150'	C/L	153.051
AP 1 Home/40 acres	50'	50'	105'	C/L	150'	C/L	153.051
RR 5 Acres	50'	50'	105'	C/L	150'	C/L	153.051
RR <5 Acres (substandard lot)	25'	50'	105'	C/L	150'	C/L	153.051
RR *2 Acres or less	10'	50'	105'	C/L	150'	C/L	153.051
VHS-R 22,500 sq. ft.	10'	30'	65'	C/L	65'	C/L	153.051
VHS-C 22,500 sq. ft.	10'	30'	65'	C/L	65'	C/L	153.051
I-1AB&C 5 Acres	50'	50'	105'	C/L	150'	C/L	153.051
MS 5 Acres	50'	50'	105'	C/L	150'	C/L	153.051

* and/or have a lot width of 200 feet or less.

** except 15th, 60th, and 50th west of County Rd 21--then the frontage is 150' to C/L of road.

< **SUBSTANDARD LOTS OF 5.0 ACRES OR LESS** if plat of record prior to March 3, 1970 (see 12-132 E(5) & E(6)).

PLEASE REFER TO THE CITY CODE FOR SETBACKS FROM AN 18% SLOPE (See Sec 12-132 (A) (12) and 12-57(J) (1-8)).

- Structures in the St. Croix River Overlay District, must follow the setbacks as specified in the St. Croix River Bluffland/Shoreland Ordinance
- Structures in the Shoreland Overlay District, must follow the setbacks as specified in the Shoreland Management Ordinance.
- Structures in the Floodplain, must follow the setbacks as specified in the Floodplain Regulations

MAXIMUM ACCESSORY BUILDING SIZE: PLEASE REFER TO Sec. 153.077. (Farm site plans not included)

A (10-20 acres)	1 or 2 not to exceed 2,500 sq. ft. total
A (less than 10 acres)	2 not to exceed 2,000 sq. ft. total
AP	same as the A zone
RR (less than 5 acres)	1 not to exceed 1,000 sq. ft. total
RR (5 or more acres)	1 or 2 not to exceed 2,000 sq. ft. total
VHS-R	1 not to exceed 720 sq. ft. total

***Accessory Building Setbacks:** Same as principal structure setbacks. For accessory buildings over 1500 square feet the side & rear setbacks are increased to 100 feet in A, AP and RR.

PARK DEDICATION REQUIREMENTS FOR SUBDIVISIONS

The City determines whether the park dedication requirements will be met by dedication of land or a fee. The park dedication fee is calculated as follows:

- 7.5% of the undeveloped value of the land being subdivided, with a maximum fee of \$10,000 per lot and a minimum fee of \$5,000 per lot.

Applicant(s): _____

Phone: _____

Mailing Address: _____

Property Address for variance: _____

Variance request description: _____

_____City Ordinance Section number(s), that variance is requested for: _____

Answer the following questions to the best of your ability - based on the criteria found in section 153.026 of Afton's Code (Land Use, Appeals and Variances). Completing this questionnaire will help the Planning Commission and the City of Afton evaluate your application in light of the requirements of Afton's Variance Ordinance. It does not guarantee that your variance request will be approved. If needed use a separate page.

Background: This questionnaire is designed to help you and the City of Afton determine whether a variance should be granted. Please consult with the City Administrator who can help you with your variance application and explain the Variance Ordinance to you. The City Administrator will work with you to ensure that the variance you request is the minimum variance required to provide the same rights commonly enjoyed by other properties in the same zoning district. Because of special provisions for certain types of construction, the City Administrator will also determine whether the property is in the Flood Plain District. There are also special provisions for earth-sheltered construction.

Criteria #1 *The requested use, must be a reasonable use in order to receive a variance. Applicant -* Please explain why the proposed use which requires a variance is a reasonable use for this property?

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, shape, topography, or other circumstances over which the property owner, since enactment of this Ordinance, have had no control. Applicant -* What exceptional or extraordinary circumstances related to the property do not apply generally to other properties in the same zone or vicinity? Extraordinary circumstances would include lot size, irregular lot shape or topography. Are there other circumstances over which you, as the property owner, have no control?

Explain? _____

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 - How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain: _____

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

Applicant - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain: _____

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 the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain: _____

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 practical difficulty or hardship for your property? Explain: _____

Criteria #7 *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.* **Applicant (Optional)** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity?

Explain: _____

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?

Explain: _____

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 (optional), PC** - 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

ADDITIONAL CRITERIA THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION (PC) AND/OR CITY COUNCIL(CC)- Applicant responses to criteria #11 and criteria #12 are optional.

Criteria #11 *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton ordinances and code? How will this variance if granted (and the proposed use of the property allowed) affect the essential character of the area?

Explain: _____

Criteria #12 *Variances shall only be permitted when they are in harmony with the general purposes and intent of the Afton Comprehensive Plan.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton comprehensive plan?

Explain: _____
