

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## LAND USE APPLICATION

- Comprehensive Plan    Zoning District Amend    Zoning Text Amend    Variance\*(see below)    Zoning Appeal
- Conditional Use Permit (C.U.P.)    Flood Plain C.U.P.    Interim Use Permit (I.U.P.)    Excavating/Grading
- Lot Line Adjustment    Minor Subdivision    Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan    PUD Preliminary Plan    PUD Final Plan    Wireless Communications

Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Fee Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address): \_\_\_\_\_  
(Complete (long) Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
PID#: \_\_\_\_\_

Detailed Reason for Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of fee owner: \_\_\_\_\_ Date: \_\_\_\_\_

## VARIANCE PROCEDURE<sup>1</sup> FOR THE CITY OF LAKE ELMO

The Lake Elmo City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. A variance request is the mechanism that allows the City Council to determine whether a project deviating from code should be permitted. In order to successfully receive a variance, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed variance and obtain a land use application form from City Hall.
2. Put together an informational packet (described herein) that outlines your request and outlines all reasons as to why the variance should be granted.
3. Submit your completed packet to staff by the applicable due date for review. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete will be returned to the applicant.<sup>2</sup>
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, and noticing a public hearing.
5. The Planning Commission will hold the scheduled public hearing (2<sup>nd</sup> or 4<sup>th</sup> Monday of the month<sup>3</sup>); and will forward recommendations to the City Council for consideration (1<sup>st</sup> or 3<sup>rd</sup> Tuesday of the month<sup>3</sup>). Applicants are advised to attend both the commission and Council meetings and be open to questions regarding the request.
6. The City Council will consider the request and either grant or deny the variance.

Above all else, it is imperative that an applicant begin preparations as early as possible to ensure the application is submitted by the due date in any given month (**see page 5 for due dates**). Please anticipate that review by the Planning Commission will not occur until at least one month has passed from the date of submittal.

The City Council has established a **non-refundable fee<sup>4</sup> of \$750.00** for processing variance applications.

Please note that it is the responsibility of the applicant to provide all required information and to illustrate all reasons why the requested variance should be granted. City staff is not authorized,

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<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

<sup>2</sup> Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

<sup>3</sup> Staff will determine when applications are reviewed based on the time needed to review the application and the number of items already scheduled on future agendas. Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

<sup>4</sup> Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).

nor permitted, to prepare applications since the “burden of proof” rests with the applicant to justify the specific request.

At a minimum, the following materials must be submitted prior to deeming an application complete.

- | <u>Sub:</u>              | <u>Req:</u>              | <u>Item:</u>  |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <b>1. A completed land use application form</b> signed by <b>all</b> property owners and applicants along with payment of the proper filing fee.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <p><b>2. Written statements</b> providing information regarding your proposal. <u>Please provide a separate answer for each of the lettered items listed below</u> (answers must be submitted in both hard copy and electronic form-- .txt files or MS Word format):</p> <ul style="list-style-type: none"> <li>a. A list of all current property owners (if individually owned), all general and limited partners (if a partnership), all managers and directors (if a limited liability company), and/or officers and directors (if a corporation) involved as either applicants or owners.</li> <li>b. A listing of the following site data: legal description of the property, parcel identification number(s), parcel size (in acres and square feet), existing use of land, and current zoning.</li> <li>c. State the provision(s) of the Lake Elmo City Code for which you seek a variance. (<i>For example, Section 300.07 Zoning Districts, Subd (4b3) – Minimum District Requirements</i>)</li> <li>d. A <u>specific written description of the proposal</u> and how it varies from the applicable provisions of Lake Elmo Code.</li> <li>e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.</li> <li>f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.</li> <li>g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.</li> <li>h. Justify that the granting of the variance would not alter the essential character of the neighborhood.</li> </ul> |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>3. Verification of ownership</b> (a copy of a current title report, purchase agreement, etc.)  |

**Sub:   Req:   Item:**

     **4.   Address labels:** A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor or through Washington County (see attached form).

     **5.   Four (4) plan size copies (11x17 or larger), one (1) reproducible copy (8½ x 11), and one (1) electronic copy of a certified survey** depicting the lot upon which a variance is requested. The survey shall be at a readable and measurable engineering scale<sup>5</sup>, be pre-folded for distribution, and include the following information<sup>6</sup>:

- Location, Floor Area, and Building Envelope of Existing & Proposed Structures
- Lot Lines
- Parcel Size in Acres & Square Feet
- Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line
- Actual elevations for Garage Floor, Basement Floor, Foundation Top, & Building Height
- Lowest Floor Elevation if any part of property is in flood plain
- All Water Features: Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water
- Existing** topographic character of land showing contours at **2' intervals**
- Proposed** topographic character at **2' intervals**
- Flow arrows indicating direction of drainage
- General location of wooded or heavily vegetated areas
- All Adjacent Structures Within 100 Feet of Property
- All Easements (Road, Utility, Drainage, etc.)
- Public Right-of-Way Name (street name)
- Proposed driveway location and proposed driveway grades
- Wells & Neighboring Wells if New Drainfield is Installed
- Septic System & Drainfield, or Sanitary Sewer Connection
- Percolation Test & Soil Boring Holes (if applicable)
- Hardcover Calculations--% and square footage of:
  - Building coverage
  - Driveway and parking
  - Public street right-of-way
  - Open space and/or landscaped area
- Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping
- Location of adjacent Municipal boundaries

<sup>5</sup> If your survey must be larger than 11x17 to be fully legible and to scale, we ask that four (4) copies be in the large format.

<sup>6</sup> Please consult with staff on exactly what to include on your survey. Every application is unique and may require more or less information than what is listed in this handout. Staff reserves the right to require additional information.

**Survey requirements continued:**

- Shoreline and/or tops of bluffs (if applicable)
- Administrative Information:
  - Scale
  - North Point
  - Signature of Surveyor
  - Date of Preparation (THE REVISION BOX MUST BE CONTINUALLY UPDATED AS CHANGES OCCUR!!!)
  - PID Number
  - Site Address
  - Legal Description
  - Subdivision Name (if applicable)
  - Zoning Classification

**7.** Any **other information** required by city staff, commissioners, or council members necessary to provide a complete review of the variance request. Information deemed critical to the review process not listed in this handout may be requested<sup>7</sup>. Staff will list other requirements below:

\_\_\_\_\_

\_\_\_\_\_

If you have any further questions that are not covered by this handout, please contact the Planning Department at Lake Elmo City Hall: (651) 747-3912. We look forward to assisting you!

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<sup>7</sup> Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



PUBLIC WORKS DEPARTMENT  
SURVEY & LAND MANAGEMENT  
DIVISION

Donald J. Theisen, P.E.  
Director

Michael J. Welling, P.L.S.  
County Surveyor/Division Manager

Washington County Government Center • 14949 62nd Street North • P.O. Box 6 • Stillwater, MN 55082  
Phone 651-430-6875 • Fax 651-430-6888 • TTY 651-430-6246

Date of request \_\_\_\_\_ Parcel Search File No. \_\_\_\_\_

**REQUEST FOR SURROUNDING PROPERTY OWNERS AND ADDRESSES**

Requested by: Name \_\_\_\_\_  
Business \_\_\_\_\_  
Street address \_\_\_\_\_  
City/State/Zip code \_\_\_\_\_

Daytime Phone ( ) \_\_\_\_\_

List of owner names and addresses for parcels located within \_\_\_\_\_ feet of:

Parcel ID (if known) \_\_\_\_\_  
Owner's Name \_\_\_\_\_  
Street address of subject parcel \_\_\_\_\_  
City or Township \_\_\_\_\_

Date needed: \_\_\_\_\_ Mail report \_\_\_\_\_ Pick up report \_\_\_\_\_  
Mailing labels: Yes \_\_\_\_\_ No \_\_\_\_\_  
# of sets of labels: \_\_\_\_\_

**PARCEL SEARCH FEES**

1st 25 parcels, including subject parcel (\$50.00) \$ \_\_\_\_\_  
1 sheet of 30 labels (\$1.00/set) \_\_\_\_\_  
Postage, if parcel search is mailed (\$2.00) \_\_\_\_\_  
Fee, if parcel search is faxed (\$2.00) \_\_\_\_\_

Completion date \_\_\_\_\_  
Service Rep \_\_\_\_\_  
Total # of parcels \_\_\_\_\_  
Total # of labels \_\_\_\_\_

# of additional parcels \_\_\_\_\_ x .50 = \$ \_\_\_\_\_  
# of add'l sheets of labels \_\_\_\_\_ x 1.00 = \_\_\_\_\_

Amount due: \$ \_\_\_\_\_  
Visa/MC \_\_\_\_\_ Check/Cash \_\_\_\_\_ Invoice \_\_\_\_\_  
Payment date \_\_\_\_\_ Payment received by \_\_\_\_\_

THIS INFORMATION WAS COMPILED FROM WASHINGTON COUNTY SURVEYOR MAPS AND COUNTY ASSESSOR DATA FILES. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY INACCURACIES IN THE INFORMATION RELIED UPON IN THIS PARCEL SEARCH.