

LAND USE AND VARIANCE APPLICATION
CITY OF DELLWOOD
111 WILDWOOD ROAD, WILLERNIE, MN 55090
Phone: (651) 429-1356

Please complete the entire form to ensure proper application and publication. (See attached for further information). Allow for sufficient time for publication of Notice of Public Hearing.

Owner/Applicant: _____

Site Address: _____

Daytime Phone Number(s): _____

Email/Fax Number: _____

Mailing Address: _____

Legal Description: _____

Total Area of Property in Acres: _____

Description of Request: _____

Property Owner's Signature

Date of Application

NATURE OF REQUEST:

- Conditional Use Permit**
- Conditional Use Permit Amendment**
- Variance**
- Interim Use Permit**
- Lot Split**
- Rezoning & Text Amendment**
- Planned Unit Development**
- Grading Plan**
- Grading Plan Amendment**
- Plats**
- Vacation of Street**
- Permitted Home Occupation**
- Special Home Occupation (with CUP)**

FOR OFFICE USE ONLY

Case No. _____

Zoning: _____

Fee: \$ _____

Receipt No. _____

NOTICE

To Applicants for Variances, Use Permits and other Land Use Requests

Variances, Use Permits, and other Land Use Requests which require Council approval are not taken lightly. To assure that the Planning Commission and City Council members are fully informed of your request, please furnish as much information as possible.

It is your responsibility to establish that, due to circumstances beyond your control and the unique conditions present on your property, you should be granted and receive treatment which is not generally allowed by the City Codes.

Economic considerations alone do not meet the requirements for a Variance. The fact that your project can be completed at a lower cost with a Variance, as opposed to meeting the requirements of the Code, is not a factor which would justify a Variance. Subdivision of a lot for the purpose of obtaining an additional lot site requires a Variance unless each resulting lot meets all requirements of the City Zoning and Septic Sewer Ordinances.

The Council will require a showing that there is no reasonable alternative action available which would not require the granting of a Variance.

Please furnish all information available concerning your property, including lot size, existing structures, setbacks from property lines and shorelines, contours, wetlands and other features which may affect your request.

Owners of properties within 350 feet of your land will be notified of your request and of the time and place of the Public Hearing, if needed. You should discuss your plans with your neighbors prior to the Planning Commission Meeting or City Council Meeting in order to avoid last minutes delays.

If the Planning Commission or City Council does not have all of the information which is required, the request may be denied.

An Application may not be withdrawn after a Public Hearing has been held and the Planning Commission has made a recommendation to the City Council. Reconsideration of any matter may be granted only upon 4/5th vote of the City Council.

Please review the Application carefully and provide all of the information referred to in the form, plus any additional information you may wish the City to consider.

The Planning Commission and City Council meet regularly only once per month. If a Public Hearing is required, you must file your Application with the City Clerk in sufficient time to allow for publication of the Notice of Hearing.

APPLICATIONS FOR VARIANCE AND CONDITIONAL USE PERMITS (CUP) WILL NOT BE PROCESSED WITHOUT THE FOLLOWING:

Submit with all requests:

Two copies of Site Plan of proposed request, drawn to scale (1" = 20") showing the following:

- a. Arrow indicating north;
- b. Location of structure(s) and parking on lot;
- c. Adjacent Street names;
- d. Setbacks from all lot lines, ordinary highwater mark, septic system and wells;
- e. Use of proposed structure(s) and parking;
- f. Setbacks and use of adjacent structures;
- g. Dimensions of proposed structure including square footage of all useable space;
- h. Impervious surface calculations;
- i. Other information as required by the Zoning Code.
- j. Ponds and Wetland Areas.

Proposed building elevations and floor plans for all levels.

Landscaping, lighting, utility, and grading and drainage plans for most new development.

___ photographs of above described plans, reduced to 11"x17".

A written narrative describing the request and why the City should approve the request.

For a Variance, please cite the specific Code deviation being requested and list the conditions unique to the subject property which prevent compliance with the Zoning Code. Variances from zoning standards may be granted in cases of practical difficulty, which means that the property in question cannot be put to a reasonable use under the conditions allowed in the Zoning Code due to circumstances unique to the property and not created by the landowner. Economic considerations alone shall not constitute a practical difficulty. Please address the standards listed in the Comprehensive Zoning/Shoreland Management Ordinances, Chapter 152.

Applications for Variances and Conditional Use Permits require a public hearing after published and mailed notice.

An Abstractor's Certificate of Ownership for all properties within 350 feet of the above property must be furnished showing property owners' names and mailing addresses.

If a Lot Split, please provide a Certificate of Survey.

NOTES:

- 1. The Applicant shall pay for additional mailings and publication costs when the Applicant requests a tabling or continuation of his/her case.**
- 2. You are encouraged to discuss your proposal with adjacent property owners before you submit a formal application.**
- 3. In most cases, the City will direct the City Sewer Inspector to submit a written report concerning the effect, if any, which the requested action, if approved, may have upon the proper working of the on-site septic system.**

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SITE SURVEY REQUIREMENTS

The Zoning/Shoreland Management Ordinance, Chapter 152, may require a Certificate of Survey for lots proposed for development in the City. In order to avoid problems and delays which may occur due to lack of adequate survey information, the following must be included in each certified survey submitted by a licensed land surveyor for a proposed permit. Incomplete surveys will be rejected and the permit will be held until all information has been included.

- All lot property lines with bearings and distances to scale (show scale of drawing)
- All lot corner elevations
- A directional north arrow
- Property building location(s) with dimensions from all lot lines
- The Street and Street name on which the lot fronts
- The proposed driveway access location(s), width and type of surfacing
- The garage floor and lowest floor elevations
- First floor elevations of adjoining structures
- Proposed spot elevations of finished grade around all structures
- Property legal description
- Site address and owner/builder
- Land surveyors stamp and signature with address/telephone number
- All existing structures and utilities, as well as proposed utility locations (specify easement types)
- Proposed drainage arrows or grade contours
- Invert elevations for storm and sanitary sewers
- Locations and elevations of all ponds/lakes/low areas and wetlands.
- Denote 100 year high water elevation of ponds and lakes (check with Engineering Department for high water levels)
- Proposed locations of well and/or septic systems with a spot elevation at the septic system locations, primary and secondary.
- Retaining walls with spot elevations at each side along wall
- All other lot improvements
- Contours of neighboring properties to ensure proper drainage
- Front setbacks of neighboring structures
- Attach Abstractor's Certificate of Ownership for all properties within 350 feet of the above property.

Updated September 29, 2015

CITY OF DELLWOOD
LAND USE APPLICATION ESCROW AGREEMENT

Date: _____

Property Address: _____

Description of Project: _____

Property Owners Name _____

Address _____

Phone Number _____

Amount of Escrow Deposited With City: \$ _____

Pursuant to Ordinance # 152.13

The escrow funds deposited with the City may be refunded to the property owner only after final completion of all work to be done at the property address, and final approval by the City Building Commissioner and/or City Building Inspector.

I will expect to receive a refund if actual costs incurred by the City are less than the escrow deposit.

I agree to pay actual costs incurred by the City over and above the \$ _____ basic escrow deposit, if required. The City Clerk has the authority to require a higher escrow amount at any time while the work is still in progress.

The provisions of Ordinance - # 152.13 are made a part of this agreement.

Property Owners: x _____

x _____

City Clerk: _____

Final Date: _____

Payment Refund Date: _____

Amount Refunded: _____

**CITY OF DELLWOOD
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NUMBER 152.13

AN ORDINANCE ESTABLISHING AN ESCROW DEPOSIT PROCEDURE AND FEE SCHEDULE RELATED TO ZONING AND LAND USE APPLICATIONS.

WHEREAS, the City of Dellwood, Minnesota wishes to establish an Escrow Deposit requirement as a part of the Code of Ordinances relating to fees, costs and expenses which may be incurred by the City in connection with Zoning and Land Use requests.

NOW THEREFORE, The City Council of the City of Dellwood, County of Washington, State of Minnesota, does hereby ordain as follows:

Section 1. The City Council of the City of Dellwood hereby adds Section 152.13 of the Comprehensive Zoning and Shoreland Management Ordinance to read as follows:

Section 152.13 **FEES**. The costs of the City for receiving , analyzing, processing, hearing and final process for requests of changes, modification, or special consideration under this Ordinance, such as requests for amendments (map or text), site and building plan reviews, Conditional Use Permits, Interim Use Permits, and Variances are considered to be unique to the Applicant requesting such consideration, and it is the intent of this Section to provide that all costs of the City occasioned by such requests shall be borne by the Applicant. The reimbursement to the City shall be limited to actual costs of the City. Actual costs shall include all engineering, legal, planning, or other consultant fees or costs paid by the City for other consultants for expert review of a development application.

- A. Base Zoning Fee. To defray administrative costs of processing of requests for Conditional Use Permits, Interim Use Permits, Amendments, Variances, Appeals, or any other land use or zoning permit application, a base fee as determined from time to time by Resolution of the City Council per application shall be paid by all Applicants. Each Applicant shall pay a non-refundable base zoning fee at the time an application is presented to the City for a zoning change of any nature, site and building plan review, a conditional use, an interim use, variance, or land use request of any kind. The fee is intended to reimburse the City for its costs for administrative processing an application. If this fee proves to be insufficient to cover such costs, such additional costs shall be charged as a part of the Escrow Deposit, or the Supplemental Zoning Deposit.
- B. Escrow Deposit. In addition to the non-refundable Base Zoning Fee, each Applicant shall pay an escrow deposit in an amount established by the City Council as of the time of application. All actual costs including, but not limited to, planning, engineering, legal, or other consultant fees or costs, incurred by the City in the processing of the application and not fully paid or reimbursed from the Base Zoning Fee shall be paid or reimbursed from this Escrow Deposit or Supplemental Deposit.

- C. Supplemental Deposit. At any time while the application is pending and before its final conclusion, if the City Clerk determines that the amount of the Escrow Deposit required is or is estimated to be insufficient to pay for present or anticipated actual costs of the application, a supplementary deposit shall be required by the City Clerk to be paid by the Applicant. The one (1) or more Supplemental Deposits shall be in an amount sufficient to pay all actual costs of the City.
- D. Refunds – Administrative Costs. The Base Zoning Fee, intended to cover administrative costs, is non-refundable.
- E. Refunds – Direct Costs. If the direct costs of the City in processing the application are less than the amount of the Escrow Deposit and any Supplemental Deposit, any such unexpended amount shall be refunded to the Applicant upon the conclusion of the proceedings; and any such costs in excess of the Supplemental Deposits on hand with the City Clerk shall be paid by the Applicant prior to completion of the proceedings by the City.
- F. Assessment. In order to recoup the additional cost of processing Zoning Applications, the City shall have the option of assessing all Applicants the total excess cost of staff and/or consulting time spent exclusively in review, consideration, research or production of materials for the Applicant's request, and all materials for such request not covered by the Application Fee or other collections.
- G. Costs incurred by the City are payable whether or not the application is approved, modified, or denied.


Section 2. The Fee Schedule is hereby established to include the following:

Conditional Use Permits, Interim Use Permits, Variances, Zoning Amendments (Text or Rezoning) and Subdivisions shall submit an Escrow Deposit in the amount of \$500.00 unless otherwise waived by the City Clerk, in addition to the Base Administration Fee.

The Fee Schedule may be amended from time to time by Resolution of the City Council.


Section 3. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

ADOPTED by the City Council of the City of Dellwood, Minnesota, this 13 day of October, 2015.



Robert Nuffort, Mayor

Attest:



Joanne Frane, City Clerk