



**PLANNING & ZONING**  
RICHFIELD COMMUNITY  
DEVELOPMENT  
DEPARTMENT

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**ZONING CODE**  
**SECTION 547.11**

1/2008

# VARIANCE

A **variance** from the zoning ordinance may be granted in cases where extraordinary hardships or practical difficulties may result from strict compliance with the zoning ordinance.

The variance is intended to allow some relaxation in the application of the performance standards within the zoning district, such as area, location, height, or setback. An example of a variance case might be a request for placement of a building within the required setback area because of a ravine or poor soil conditions on the lot.

Variance requests are heard by a City Hearing Examiner. The Hearing Examiner is a person with experience in municipal administration and procedures of law who is appointed by the City Manager.

**Variance Criteria:** In order for a variance to be granted, the applicant must demonstrate that **all four** of the following criteria are met:

1. There must be an **undue hardship** which denies the applicant reasonable use of the property. Undue hardship means the variance is necessary for the preservation of substantial property rights. Economic consideration alone **shall not** constitute an undue hardship if reasonable use of the property exists under the terms of the ordinance.
2. There must be unusual or **unique circumstances** related to the property or building which do not apply to other properties in the same zone or vicinity and the applicant did not create.
3. The variance must **not result in an adverse impact on surrounding properties**, nor alter the character of the property or neighborhood.
4. The variance must be the **minimum variance** necessary to alleviate the undue hardship.

**Process:**

1. An application for a variance is submitted to the Community Development Department. Applications can be found online at the city's website.
2. The application is reviewed by the Administrative Review Committee (ARC). ARC is made up of staff members who review the request to determine whether or not it meets the variance criteria. ARC members may request additional information and/or ask that changes be made to the proposal.
  - > **ARC meets on Thursdays at 10:30 a.m. Applications are due one week before the ARC meeting.**
  - > **AN ARC meeting is generally not held for residential variances. ARC members submit their comments to the Community Development Department, and they are conveyed to the applicant.**
3. **Applications must be submitted at least 28 days before the scheduled hearing and must be complete at least 14 days before the hearing.** Variance hearings are held on the third Tuesday each month at 5:30 p.m.

4. The Hearing Examiner conducts a public hearing. Notice of the hearing is mailed to property owners and occupants within 350 feet of the subject property and is published in the *Richfield Sun-Current* newspaper.
5. The Hearing Examiner makes a written decision on the case within 60 days after an application is submitted.  
**A DECISION IS NOT MADE AT THE PUBLIC HEARING. THE DECISION WILL BE RECEIVED BY THE APPLICANT VIA US MAIL.**

**Application Review Timeline:** The City is required to notify applicants within 10 business days of receiving a zoning application as to whether or not an application is complete. Once an application is complete, the Hearing Examiner has 60 days to make a decision on the application.

The Hearing Examiner has the option of extending the 60-day review period if he or she informs the applicant in writing of the reason why an extension is needed. The City makes every attempt to process applications within 60 days.

**Appeals:** Any party aggrieved by the decision of the Hearing Examiner may appeal the decision within 10 days of the date of the decision. A decision on the appeal will be made within the original 60 day time frame unless the City Council extends the deadline. Any applicant who starts construction before the appeal period has expired assumes the risk that the decision may be reversed upon appeal.

**Rehearings:** An applicant may apply for a rehearing of a denied variance within 7 days of the date the decision is filed if significant new factual evidence relevant to the case can be presented. The request for rehearing shall state the nature of the new evidence and why it was not previously available. If a rehearing is allowed the Examiner's decision shall be withdrawn.

**Expiration Date of Variance:** Any variance granted shall expire one year after it has been granted. If the applicant is unable to complete the project the City Council may extend a variance for an additional period of time, if the person or corporation holding the variance submits a written request for an extension before the end of the one year period.

**Additional Information:**

- Conditions may be imposed when granting a variance in order to ensure compliance and protect adjacent properties.
- A cash escrow may be required by the Hearing Examiner to ensure compliance with any conditions of the variance. A cash escrow is required for any required landscape improvements.

**Application Fee:**

The fee for a variance application are as follows:

Residential variance = \$250

Non-residential variance = \$450

Variance appeal = \$100

Variance extension = \$75

**This is a guide to the most common questions and problems. It is not intended nor shall it be considered a complete set of requirements.**