

**City of Baxter**  
**Request for Variance**  
**Date Paid:** \_\_\_\_\_  
**Amount Paid:** \_\_\_\_\_  
**Check #** \_\_\_\_\_  
**Receipt #** \_\_\_\_\_

(Date Received Stamp)

A Variance request is a request for relief from certain provisions of the ordinance when, due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a hardship upon the property owner. A hardship is distinguished from a mere inconvenience or desire to increase the value of the property. A variance shall not be used to permit a use in a district where it is not allowed under the terms of the ordinance.

A public hearing will be conducted by the Planning & Zoning Commission with their recommendation passed to the City Council for final action on the request. All property owners within a minimum of 350 feet of your lot line will be notified by mail, by the City, of the public hearing date and time. Application fee covers this cost and is not refundable.

The applicant will be required to meet with the Baxter Zoning Administrator for a pre-application meeting. At this meeting, the applicant will receive a copy of the variance requirements found in the Baxter Zoning Ordinance regarding other information that may be necessary as part of the application process. Two (2) full size copies (to scale), two (2) 11x17 copies, and two (2) 8½x11 copies of all required graphics and/or materials and application forms shall be submitted as a part of a complete application. Any color documents must to be received in an electronic format at the time of submittal. (This can be in a disk format or it can be emailed to staff.) All information below must be filled out.

APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

OWNER: (If other than applicant) \_\_\_\_\_ PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

Email Address: \_\_\_\_\_ (In order to receive staff report before meeting.)

DESCRIPTION AND REASON FOR REQUEST: \_\_\_\_\_

\_\_\_\_\_

SIZE OF LOT: \_\_\_\_\_ CITY SEWER? \_\_\_\_\_ CITY WATER? \_\_\_\_\_ HOOKED UP? \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: (Lot, block and subdivision or metes and bounds description) \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_

If this variance is granted, I hereby certify that all work will be done as stated herein and in accordance with all applicable laws and ordinances of the State of Minnesota and the City of Baxter.

\_\_\_\_\_  
 (Applicant's Signature)

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Owner's Signature if different from applicant)

\_\_\_\_\_  
 (Date)

**You or a representative is required to attend the Planning & Zoning Commission. Their recommendation will be heard at the next Council meeting following the Planning & Zoning Commission meeting, unless otherwise notified. If you are unable to attend that meeting, please call Planning & Zoning at (218) 454-5109.**

**AFFIDAVIT**

STATE OF MINNESOTA    )  
                                  )SS.  
COUNTY OF CROW WING)

We, the undersigned, being first duly sworn, on oath depose and state based on personal knowledge as follows, to-wit:

1. That we desire to submit the attached land use application effecting the real estate described therein.
  
2. That we are all of the fee owners of the said real estate, or if all of the owners have not personally signed this affidavit below, then a valid power of attorney, conservator or person acting with proper authority as demonstrated by an attached court order for each said person has signed below on their behalf.
  
3. That all information contained in the attached land use application submitted herewith is true and correct.

**APPLICANTS** (All owners or those with proper authority as described above)  
Please *sign* on the left side and *print* your name on the right. All signatures must be notarized.  
(\*If this paper is not signed, your application will be considered incomplete.)

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

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

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

## **Supplemental Conditional Use Permit, Interim Conditional Use Permit and Variance Submittal Requirements:**

- Description/narrative of proposed project or reason for request
  
- Site plan (to scale), to include the following:
  - Existing and proposed topography
  - Location and footprint of existing and proposed buildings/structures
  - Proposed streets and driveways
  - Parking lot layout
  - Landscaping (existing and proposed)
  - Lighting Plan
  - Storm Water Management Plan
  
- Architectural Plans
  - Elevations to scale and in color
  - Electronic copy of any color documents or elevations
  - Floor Plans
  - List of exterior materials

Based on the scope and magnitude of the project, it may be determined that some of the above information may not be required. You will be informed at the time of the pre-application meeting which information you will be required to submit.

The Zoning Administrator also reserves the right to require additional information based on the scope and magnitude of the project.

Unless otherwise noted, all of the above information is required for your application to be considered complete. An incomplete application will be returned to you with a list of missing information. You are welcome to apply for the next meeting date.

**CITY OF BAXTER**

**FINDINGS OF FACT**

**(Supporting or Denying)**

**VARIANCE**

**(MUST be completed by applicant or application is incomplete)**

Variance Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(A variance may be granted only where the strict application of the Baxter Zoning Ordinance will result in undue hardship. A hardship exists only upon a positive finding of each of the following criteria:)*

1. Is the condition causing the alleged hardship unique to the property in question?  
Yes ( ) No ( )

Why or why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Are the circumstances causing the alleged hardship caused by someone or something other than the landowner or previous landowner? (Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.)  
Yes ( ) No ( )

Why or why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Is the variance in harmony with the Baxter Comprehensive Plan, Land Use Plan and Zoning Ordinance?  
Yes ( ) No ( )

Why or why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Will the issuance of the variance maintain the essential character of the locality?  
Yes ( ) No ( )

Why or why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*The Planning & Zoning Commission must make an affirmative finding on all of the four criteria listed above in order to grant a variance. (The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.)*