

# Variance

## **What is a variance?**

The City of Fergus Falls has a zoning code. This is a set of rules that says where buildings can be built on a lot, how big they can be, etc. A property owner may want to build or make changes to their property that are not allowed under the zoning code. In certain situations a “variance” may be granted. This variance allows for an exception to the code.

Staff cannot grant variances. The request must have a public hearing held by the Planning Commission. The Planning Commission makes a recommendation to the City Council which makes the final decision.

Under Minnesota law, “use variances” are not allowed. A variance may only be granted for dimensional requirements like building height, building size, setbacks from property lines, etc.

## **Do I need a variance?**

Contact the City Planner before you apply to see if you need a variance at 218-332-5427 or [planning@ci.fergus-falls.mn.us](mailto:planning@ci.fergus-falls.mn.us).

## **How long does it take?**

The process typically takes two months. Keep this in mind especially at the end of the construction season. **You may save time and money if you change your project to fit the zoning rules.**

1. Planning Commission meets once a month on the 4<sup>th</sup> Monday.
2. City Council meets twice a month on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays.
3. Complete applications are due about 6 weeks before the Planning Commission meeting. The deadline is the 3<sup>rd</sup> Friday of the month. For example, you apply in January for the February meeting.

**[Click here](#) for a 2022 calendar which has the meeting dates and deadlines for the year.**

## **How much does it cost?**

The application fee is \$350. An application is considered “incomplete” until the fee is paid. The fee is not refundable if the request is denied. The fee is in addition to any other required permit fees.

## **What are common application mistakes?**

The most common reasons an application is incomplete are the following:

- The application fee was not paid.
- The applicant does not own the property and did not get the property owner’s signature.
- The questions are left blank or the answers are not detailed enough.
- No supporting information was provided. In most cases you will need to have a drawing showing what is proposed.

See the next page for a flow chart about the steps in the process.

## **STEP 1: APPLICATION**

Submit an application and pay the fee. All materials are public and uploaded to the City's website.

## **STEP 2: COMPLETENESS CHECK**

City staff will respond within 10 days. The letter will say if:

- The application is incomplete. The letter will say what is still needed.
- The application is complete. The letter will have the days and times of the meetings.

## **STEP 3: STAFF REVIEW**

City staff review an application to see if it meets the requirements for a variance. Any staff comments are sent to the applicant. An applicant may need to provide more information or make changes before the public hearing.

## **STEP 4: PUBLIC NOTICE & NEIGHBOR LETTERS**

At least ten days before the Planning Commission meeting the City must:

- Publish a notice in the *Daily Journal*. This notice includes basic information about the request.
- Send a copy of the *Daily Journal* notice to property owners within 350 feet of the request.

## **STEP 5: STAFF REPORT**

The staff report is a summary of the request and recommends whether it should be approved or denied. Staff may recommend approval but only if certain conditions are met. The Planning Commission does not have to accept staff's recommendation or conditions.

The applicant receives a copy of the staff report. It is published around five days before the Planning Commission meeting.

## **STEP 6: PUBLIC HEARING (PLANNING COMMISSION)**

At the Planning Commission meeting staff present their report. The applicant may speak to the Planning Commission if they choose. The Planning Commission then opens the public hearing. Anyone may come and speak during the hearing. After the public hearing the Planning Commission votes on their recommendation. The recommendation is considered at the next City Council meeting.

## **STEP 7: FINAL DECISION (CITY COUNCIL)**

The final decision is made by the City Council. This usually happens one week after the Planning Commission meeting. The City Council does not have to accept the Planning Commission's recommendation or conditions.