



# SUBDIVISION AND ZONING REQUEST APPLICATION

City of Prior Lake | Community Development  
 4646 Dakota Street SE | Prior Lake MN 55125  
 Office: 952.447.9810 | [permits@PriorLakeMN.gov](mailto:permits@PriorLakeMN.gov)

SITE INFORMATION			
Site Address	Lot	Block	Parcel ID
Legal Description of Subject Property			
APPLICANT INFORMATION			
Name			
Address	City	State	Zip
Email	Phone		
PROPERTY OWNER(S) INFORMATION <input type="checkbox"/> Check if information is same as Applicant above			
Name			
Address	City	State	Zip
Email	Phone		
<b>Type of Ownership</b>	<input type="checkbox"/> Fee	<input type="checkbox"/> Contract for Deed	<input type="checkbox"/> Purchase Agreement
ENGINEER/SURVEYOR			
Company Name		Contact	
Email		Phone	
SUBDIVISION REQUEST		ZONING REQUEST	
<input type="checkbox"/> Administrative Combination	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Annexation	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Administrative Subdivision	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Appeal	<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> CIC Plat	<input type="checkbox"/> Final Plat Minor Amendment	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Vacation
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat Major Amendment	<input type="checkbox"/> Interim Use Permit	<input type="checkbox"/> Variance
<input type="checkbox"/> Combined Preliminary & Final Plat	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Other	<input type="checkbox"/> Other	
SIGNATURES			
To the best of my knowledge the information provided in this application and other material submitted is correct. In addition, I have read the relevant sections of the Prior Lake City Code and procedural guidelines and understand that applications will not be processed until deemed complete by City Staff.			
<b>Signature of Applicant</b>		<b>Date</b>	
<b>Printed Name of Applicant</b>			
<b>Fee Owner's Signature</b>		<b>Date</b>	
<b>Fee Owner's Printed Name</b>			
STAFF USE ONLY			
Date Received		Project Number	

# PROCEDURE FOR A VARIANCE REQUEST

**Overview:** When a person wishes to maintain/build/construct a structure in a manner that does not comply with the requirements of the City's Zoning Code, a variance is required. Specific requirements for property in each Zoning District are contained in the Zoning Code. Section 1152. of the Code sets forth the procedure and requirements for the review of variance requests. The Code is available for review at [www.priorlakemn.gov](http://www.priorlakemn.gov).

**Pre-Application Procedure:** Prior to submitting an application for a variance, applicants are encouraged to meet with the Community Development Staff to discuss the following:

- Zoning requirements that apply to the property.
- Preliminary development or building plans for the property.
- The specific criteria of the Zoning Code applicable to the development or building plan.
- Alternatives to the proposed development.
- Variance procedures.

If a decision is made to proceed after the advisory meeting(s), a formal application is made. ***The Community Development staff also suggests the applicant hold a neighborhood meeting prior to the public hearing to discuss plans for the property.***

**Process:** Within ten (10) business days of submission of the application, the applicant will receive formal, written notice from the City about whether the application is complete. Within 30 days of receipt of a complete application, the Community Development Department will schedule a public hearing for review by the Board of Adjustment (Planning Commission).

**Timing:** Public hearings are scheduled for the Board of Adjustment on the 2nd and 4th Mondays of each month April through October. Planning Commission meetings are held the 2<sup>nd</sup> Monday of each month November through March. Complete applications must be submitted to the Community Development Department at least thirty (30) days prior to the scheduled meeting to allow publication of hearing notice. The Community Development Department will publish a notice in the *Prior Lake American* and notify the applicant and other affected property owners of the date and time the proposal will be heard by the Planning Commission as required by State Statute. The City may also post a sign on the site identifying the property has a pending application.

**Staff Report:** The Community Development Department will prepare a staff report which: 1) explains the request; 2) reviews the criteria for granting variances as contained in the Zoning Code; and 3) provides a recommendation.

**Hearing: A public hearing will be held by the Board of Adjustment (Planning Commission).** The Board of Adjustment will review the staff report and hear from the applicant. Public testimony on the request will also be taken. The Board of Adjustment, after reviewing all of the information, will make a decision and may grant a variance from the strict application of the Zoning Code provided that:

- (1) There are practical difficulties in complying with the strict terms of the Ordinance. "Practical difficulties," as used in connection with the granting of a Variance, means the property owner proposes to use the property in a reasonable manner

not permitted by the Zoning Ordinance. Economic considerations alone do not constitute practical difficulties.

- (2) The granting of the Variance is in harmony with the general purposes and intent of the City Subdivision and Zoning Ordinances and the Comprehensive Plan.
- (3) The practical difficulty is due to circumstances unique to the property not resulting from actions of the owners of the property and is not a mere convenience to the property owner and applicant.
- (4) The granting of the variance will not alter the essential character of the neighborhood or be detrimental to the health and safety of the public welfare.
- (5) The granting of the Variance will not result in allowing any use of the property that is not permitted in the zoning district where the subject property is located.

Any additional exhibits submitted by the applicant (at the hearing or prior to the hearing) such as photographs, petitions, etc. must be entered into the public record and submitted to the Community Development Department for the file.

**Appeal:** The decision of the Board of Adjustment may be appealed to the City Council by submitting a letter to the City requesting an appeal within five (5) business days of the Board of Adjustment hearing. The applicant, property owner or any affected owner or property within 350 feet of the site may appeal the decision of the Board of Adjustment. Appeals are considered by the City Council following a public hearing before the Council. Upon receipt of an appeal, the Community Development staff will schedule a public hearing, publish notice of the hearing in the Prior Lake American, and notify owners of property within 350 feet of the site.

**Recording:** If the variance(s) are approved, the City will record a copy of the certified resolution at the Scott County Recorder's Office. The applicant must show substantial use or progress has occurred on the property or premise of the subject to the approved Variance within one (1) year from the date of approval or the variance(s) becomes null and void.

## APPLICATION INSTRUCTIONS

***No application will be considered until all required information is submitted. The following information, along with the attached checklist, is required for a complete application. The City also reserves the right to request additional information when needed to review an application.***

- **Application Fee:** The non-refundable application fee for a Variance is per the City Fee Schedule. Cash, check payable to the "City of Prior Lake" or credit is accepted.
- **Signed Application:** Include authorization from the property owner(s) if an owner representative signs the application.
- **Application Checklist:** The attached checklist identifies the necessary information. *Failure to provide any of the required information will result in an incomplete application.* **Submit the checklist with the application materials.**

# VARIANCE APPLICATION CHECKLIST

**SITE ADDRESS:** \_\_\_\_\_

**APPLICANT NAME:** \_\_\_\_\_

**PROPERTY OWNER(S) NAME:** \_\_\_\_\_

REQUIRED INFORMATION	LOCATION	VERIFY (Staff Use Only)
The following data is required as part of a variance application.	Indicate where this information is provided in the application materials such as sheet #, narrative, or other attached report.	
<b>Application (Zoning Code Section 1152)</b>		
1. A complete Application, signed by the applicant and the property owner(s) of the site.		
2. A written narrative describing the request and how it meets the five (5) variance criteria (see page 1).		
3. A radius map, a list, and two (2) sets of labels of the names and addresses of the owners of property located within 350 feet of the subject site. These shall be obtained from, and certified, by an abstract company.		
4. The required application fee per the City Fee Schedule.		
5. A certificate of survey of the property showing the existing and proposed development in relation to: <ul style="list-style-type: none"> <li>• Property lines</li> <li>• Structures, both existing and proposed</li> <li>• Topography</li> <li>• Easements</li> <li>• Ordinary High Water Mark and bluff setbacks, where applicable.</li> <li>• Impervious surface calculations and lot coverage calculations.</li> <li>• Setbacks for structures on adjacent lots, where setback averaging applies</li> </ul>		
6. If the survey is larger than 11" by 17", two (2) full-scale copies of the survey and supporting data and one (1) 11" X 17" reduction of each sheet must be provided.		
7. One (1) digital copy submitted by email (if under 10MB in size*), regarding the Listed Application Requirements; (Items 1-3 and 5-6 as listed above) as well as any additional items required/requested by Staff to: <a href="mailto:Planning@PriorLakeMN.gov">Planning@PriorLakeMN.gov</a>  *If over 10MB in size please send/use with any of the following options: Dropbox, weblink to FTP site, or disk drive.		