

Variance FAQs:

What is a variance? A variance is any modification or variation of official controls where it is deemed that, by reason of exceptional circumstances, strict enforcement of official controls would cause a practical difficulty.

When is a variance necessary? A variance is necessary when a landowner desires to undertake a project that will not comply with one or more ordinance regulations.

Who decides if a variance will be granted? The Aitkin County Board of Adjustment (BOA) rules on variance applications. This Board consists of five (5) persons appointed by the Board of County Commissioners and meets once a month if there are items for an agenda.

How does the BOA determine whether to approve a variance? The BOA is legally required to use the following questions (known as the “findings of fact”) as guidance (along with applicable sections in applicable ordinances) to determine if a **practical difficulty** exists-which is the basis for granting a variance. (After-the-fact variance applications are processed using separate, lengthier findings of facts.)

1. Is the variance in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan?
2. Is the owner proposing to use the property in a reasonable manner not permitted by the official control?
3. Is the practical difficulty due to circumstances unique to this property?
4. Is the need for the variance created by actions other than the landowner or prior landowners?
5. Will the issuance of the variance maintain the essential character of the locality?
6. Does the practical difficulty involve more than economic considerations?

No variance may be granted which would allow any use that is prohibited in the zoning district in which the property is located. The BOA may impose conditions in the granting of the variance to insure compliance and protect adjacent property and the public interest.

What is the process after a variance application is submitted?

1. **Department reviews application:** Complete applications are placed on the next available BOA meeting agenda. Incomplete applications are returned to the applicant.
2. **Meeting notice given:** For complete applications, you will receive a mailed notice of the meeting date, time, and location. The nearest ten (10) property owners or all property owners within 500 feet of the premises must receive mailed notice of your variance application, as will relevant government agencies. The notice of hearing is also published in the official County newspaper.
3. **Onsite Inspection:** The BOA members and the Zoning Inspector will individually visit the site prior to the hearing.
4. **BOA meeting held:** The BOA will ask you to present your application. Audience members will also be allowed to comment on the application. The BOA may approve, deny, or table the application.
5. **Apply for permits:** If your variance is approved, the accompanying Zoning/Building permit(s) **must** be obtained before starting your project(s).

Must I attend the meeting? No. However, it is in your best interest to attend or have a representative attend this meeting to ensure your project(s) is/are properly explained and understood. If you are unable to attend the meeting, please complete the Authorized Agent Form that designates the contact to serve as the authorized agent for all public hearing applications.