

If you are planning on making improvements to your property and are unable to meet the requirements of the Unified Development Ordinance, you will need to apply for a variance.

This guide is intended to be general in nature and does not cover the variance process in detail. This guide should not be considered the final or definitive authority on any of the matters it addresses.

If you have questions or would like more information about applying for a variance, please contact:

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**City of Faribault  
Planning & Zoning Division  
208 NW 1<sup>st</sup> Avenue  
Faribault, MN 55021  
(507)334-2222**

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## **Q** *What is a variance?*

**A** A variance is requested when a property owner cannot meet height, setback, lot coverage, or other specific requirements of the Unified Development Ordinance. To be granted, a variance must be based on demonstration of a hardship or practical difficulty.

## **Q** *What constitutes a hardship?*

**A** A hardship is based largely on the existence of unusual or unique circumstances, applying only to the property in question, that limit the reasonable use of a building or property when the Ordinance is strictly applied. Economic considerations do not constitute a hardship.

## **Q** *How do I go about getting a variance?*

**A** The process of getting a variance involves 4 steps as follows:

- (1) Submittal of application, support information, and payment of necessary fee
- (2) Staff review of support information and follow up with applicant as needed
- (3) Public hearing held by Planning Commission to receive comment from the applicant as well as other interested parties; Recommendation is forwarded to the City Council for action
- (4) City Council decision on variance request after public hearing

## **Q** *What findings must the City Council make before granting approval of a variance?*

- A**
- That strict application of ordinance regulations would cause undue hardship, as discussed earlier in this brochure. Existing site conditions, including lot size, shape, or topography, are factors typically considered.
  - That the conditions upon which the variance request is based are unique to the parcel of land and are not generally applicable to other properties within the same zoning district.
  - That the property owner has not created the alleged hardship.
  - That the granting of the variance will not alter the essential character of the neighborhood or have a substantial negative effect on property values.
  - That the proposed variance will not substantially increase the congestion of the public streets, increase the danger of fire, or be detrimental to the public welfare or public safety.

**Q** *What if I own an historic building or property?*

**A** When a property is located within the Historic Preservation District or designated on the National Register of Historic Places, the City Council may grant a variance if it is found that the ordinance provisions would have a negative impact on a property's historic nature or architectural uniqueness.

**Q** *What is my role as a property owner in getting a variance approved?*

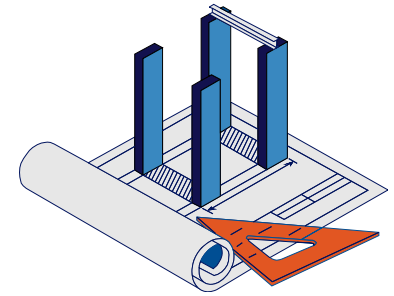
**A** It is the responsibility of the applicant to demonstrate that the required findings, as listed previously, are satisfied. While staff will provide technical assistance and information, the burden of convincing the City Council of the merits of the request rests solely upon the applicant.

**Q** *Once a variance is approved, how long is it good for?*

**A** Upon approval of a variance, the property owner has 1 year to complete the work. If such work is not complete, and no extension request has been made at least 30 days prior to the expiration date, the variance will become null and void.

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208 First Avenue NW  
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## VARIANCES



A General Guide For  
Property Owners

