

Variance Information

This handout addresses some common questions regarding variance applications and implementation. This informational handout should only serve as only a general summary of the City of Columbus Code. To find out more information please refer to Columbus City Code, Chapter 7A-524 "Procedures and Requirements for Appeals and Variances".

What Is A Variance?

A zoning ordinance variance is required to provide relief to a property owner when the strict enforcement of zoning regulations for lot size, setbacks, parking requirements, etc., imposes a practical difficulty on the petitioner or denies the petitioner the reasonable use of his land. Variance(s) will be granted only to provide relief in unusual situations that were not intended or foreseen when the zoning ordinance was adopted and, if granted, will not alter the essential character of the locality. Economic loss is seldom a unique situation and is generally not considered a valid difficulty if reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

An example of a reason to apply for a Variance would be wetlands interfering with setback requirements.

How Do I Apply For A Variance?

The application can be found on the City of Columbus website or at the City Hall offices. The application includes both a non-refundable fee and an escrow payment.

After it has been determined that a variance is required, you will need to submit:

1. A completed application form which includes: name, address and telephone number of the

applicants; legal description of the property; and a survey if the legal description is other than either a regular platted lot or simple fractional share of a land section.

2. A site plan.
3. A description of the nature of the variance requested.
4. A narrative or letter demonstrating that a practical difficulty exists and why a variance should be granted.
5. The required fee and escrow.

What Happens After I Apply?

After all the information has been received, the application will be forwarded to the Planning Commission. The Planning Commission will hold a public hearing, which will be announced in the official newspaper at least 10 days beforehand. Following the hearing, the Planning Commission will make a recommendation to the Board of Adjustments and Appeals as to whether the variance should be granted. In the City of Columbus, the City Council sits as the Board of Adjustments and Appeals and is the final arbiter of Zoning matters arising under the City Code.

No reapplication for a variance that has been denied may be submitted within 12 months of the denial.

What Are The Eligibility Requirements?

Although you may apply for a variance, approval of one is not always a guarantee. Variance(s) will be granted only to provide relief in unusual situations that were not intended or foreseen when the zoning ordinance was adopted and, if granted, will not alter the essential character of the locality. Economic loss is seldom a unique situation and is generally not considered a valid difficulty if reasonable use for the property exists under the terms of the ordinance.

A variance *may* be granted by the City Council only if all of the following circumstances exist:

1. Special conditions and circumstances which are peculiar to the land, structure, or building involved, and which are not applicable to other properties in the same district.
2. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That the difficulty is not created solely by economic considerations.
5. That granting the variance will not alter the essential character of the area or community.
6. That granting the variance will not result in a use that is otherwise not permitted in the zoning district.
7. That the applicant proposes to use the property in a reasonable manner.
8. That the terms of the variance are consistent with the Comprehensive Plan.
9. That the variance, if granted, is in harmony with the intent and purpose of the Zoning Ordinance.

Where Can I Get More Information?

You can visit the Columbus City Ordinances, Chapter 7A found on the City of Columbus website. If you have any additional questions, please contact the Planning and Zoning Permit Tech at (651)419-9007, or email your questions to pzpermittech@ci.columbus.mn.us.

PLEASE NOTE: *A variance shall not be granted unless the Board of Adjustment and Appeals makes specific findings of fact based on the particular evidence presented to it, and the City Council determines that these findings support conclusions that the applicant has met the variance standards.*

This information is a guide to the most common questions. It is not intended nor shall it be considered a complete set of requirements.

