

Variances

Carver County Land Management Department

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Zoning and zoning code

In every city and county, there are plans and laws for how land is to be used. Commonly called zoning, this area of government defines how land can be used, guides development, defines the population density of an area, and more. Areas of land are zoned for different types of land uses such as residential, business, agricultural and more. A zoning code, which is a list of local laws, guides what can or cannot be constructed in an area, how large it can be, how much space is needed around structures, and more.

But perhaps your property is shaped a little wonky, or you want to build a garage but need an extra foot of space that doesn't meet code requirements. When a project doesn't fit within the existing zoning code, a person must apply for a variance.

What is a variance?

When someone applies for a variance, they are requesting an exemption to a zoning code. There are two types of variance requests, area and use. In Minnesota, only area variances are allowed.

An area variance is typically related to the property dimensions and setbacks or height limitations. Setbacks are the distance between a building (home, garage, shed, etc.) and a feature (property line, stormwater pond, road, etc.) For example, it is common for there to be a 10 ft. setback from a house to a property line.

Use variances are when a property owner applies for a variance to use the property in a different manner that it was zoned for. In Minnesota, use variances are prohibited by state law.

The most common variance request in Carver County townships is for reduced setbacks. Many properties here are unique in shape which can make meeting setbacks for home additions or accessory structures difficult. Even if a structure needs to be only 1 foot closer to the property line than what is allowed in the zoning code, it will need a variance.

How variances are approved

A variance is approved by the local government (city or county) where it is located. In Carver County, cities manage their own variance requests, but requests within townships are managed by the Carver County Land Management department.

When seeking a variance for a property in a township, the first step is to chat with Carver County Land Management department staff. They can talk through the proposal and provide preliminary feedback before applying.

Next, the property owner must submit an application complete with a clear site plan, a letter explaining the proposal and citing the zoning ordinance affected and why it cannot be met, and a \$500 application fee.

The Carver County Land Management department reviews the application, sets up a public hearing with the County Board of Adjustment, and notifies all neighbors within 500 feet of the affected property. All applications are reviewed by the Carver County Board of Adjustment. If you will be going through the variance process, it's a good idea to chat with your neighbors ahead of time so the notice of the public hearing is not a surprise.

The public hearing takes place at a Board of Adjustment meetings. Staff provide a report on the variance and their recommendation. Then there is a time for public comment. Comments can also be submitted via e-mail, phone call, and letter. The Board of Adjustment will then discuss the variance and either approve it, make changes, or deny the request. Once a variance is approved or denied, that is a final decision.

For questions or to learn more, contact Carver County Land Management at 952-361-1820 or email landmanagement@co.carver.mn.us.