

City of Foley Minnesota Statutes Regarding Variances

(The following is a portion of Minnesota Statutes regarding Variances.)

Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

"Practical difficulties," as used in connection with the granting of a variance, means:

- that the property owner proposes to use the property in a reasonable manner not permitted by an official control;
- the plight of the landowner is due to circumstances unique to the property not created by the landowner; *and*
- the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties.

Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Section 216C.06, subdivision 14, when in harmony with the official controls.

No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(MSA § 394.27 Subd. 7, Creation and duties of a board of adjustment)

"Variance" means any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

(MSA § 394.22, Subd. 10, Variance.)