



**THIS SHEET IS FOR APPLICANT'S INFORMATION – DO NOT SUBMIT WITH APPLICATION**

CONSIDERATIONS BEFORE FILING AN APPLICATION FOR A VARIANCE IN ZONING REGULATION

Variations are a final option for non-compliant projects and must meet the strict application required in The City of Minot Zoning Ordinances.

The Zoning Ordinances are written legal regulations that have been adopted into law by the City of Minot's City Council. When requesting a Variance in Zoning Regulation, it is essentially asking for a renouncing of a law that has been put in place to protect the character of the property and the property that neighbors it.

The Planning Commission and City Council are mandated by law to review all requests for variations and determine if they meet the strict application laid out in the Zoning Ordinance, Section 30-2 (a).

**Granting of Variations:** The granting of variance shall be considered under the following conditions: Whereby, a reason of:

1. Exceptional shallowness or shape of a specific piece of property;
2. Exceptional topographical conditions, or
3. Other extraordinary or exceptional situation or condition of a specific piece of property the strict application of any provision of this ordinance would result in:
  - Exceptional practical difficulties (without the variance *reasonable use of the property* is not possible); or
  - Unreasonable hardships (due to circumstances unique to the property *not* created by the landowner, that would otherwise allow for *reasonable use of the property*) upon or fundamental unfairness to the owner of such property (as opposed to mere or even substantial inconvenience); or
  - The denial to a property owner of a similar property right enjoyed by other property owners in the neighborhood – the Planning Commission may authorize, after notice and hearing, a variance to the *strict application* of the terms of this ordinance to the extent that justice may be done.

Please review the conditions and decide if a variance is practical or is there an alternative solution. A Variance to Zoning Regulation must remain in compliance with the Comprehensive Plan. The Comprehensive Plan is a general design established to control the use properties to best benefit the City as a whole. Individual pieces of property should not be singled out for special treatment. For example, one or two lots may not be placed in a separate zone and subjected to restrictions that do not apply to similar or adjoining lands.