



SUMMARY OF AN AFTER-THE-FACT VARIANCE PROCEDURES

- Step 1** **Attend the Development Review Team (DRT) meeting with Land Services Staff**
Submit form to request a remote meeting to discuss the project, process, and application requirements
- Step 2** **Submit Complete Application**
Submit a complete application before 4:30 pm on the application deadline.
- Application Deadline: _____
- Requested Meeting Date: _____
- Step 3** **Variance Application Must Include All of the Following:**
- a. Completed application checklist and forms (pages 3-8) with the required fee;
 - b. A full, recordable property description (recorded deed or abstract);
 - c. A complete site sketch and/or survey and plans, including all items on the attached variance checklist as Land Services requires. This checklist is specific to your request.
 - d. Variances in the Shoreland District require a survey containing everything on the Surveyor Information Sheet (page 9)
- Step 4** **Processing** (completed by Land Services):
- a. Public hearing notice sent to the official newspaper for publication.
 - b. Notification of property owners within ½ mile of affected property.
 - c. Staff review of application and generate staff report.
 - d. Mail agenda and information packets to the members of the Board, township, partner agencies, and the applicant.
- Step 5** **Property Viewing**
The Board of Adjustment will view properties on-site on Friday before the hearing. The project should be staked; the Applicant is strongly encouraged to be on-site
- Step 6** **Board of Adjustment Meeting**
The applicant(s) or a representative must attend the meeting to answer any questions the Board may have.
- Step 7** **Notice of Decision and Permitting**
If the variance is granted, any related permits must be obtained through the Land Services Department before the project starts. All variances are recorded with the property deed in the County Recorder's Office, and a copy will be sent to the applicant.
- Step 8** **Condition Follow-Up**
If the variance is granted, any conditions placed on the variance must be completed by the required deadline. The applicant must contact the Land Services Department when the conditions have been completed.

If the variance was NOT granted, appeals of that decision are made in District Court. Consult with an attorney for more information.

Applicant: _____
Complete App: _____

Parcel #: _____
LS Staff: _____

AFTER-THE-FACT VARIANCE CHECKLIST

All Variances

- ☐ **Completed Application Pages (3-7)** with the property owner's signature.
- ☐ **Public Hearing Fee: (Non-refundable) \$ 1000.00 to MORRISON COUNTY TREASURER**
- ☐ **Recording Fee: (Non-refundable) \$ 46.00 to MORRISON COUNTY TREASURER**
(If the property is in Abstract & Torrens two (2) recording fees will be required)

If an application is continued at the Public Hearing a \$75.00 fee will be applied.

- ☐ **Detailed Structure Sketch or Professional Rendering:** to include existing and proposed additions and structures, including views of the front, rear, and sides of the project.
Note: A land use permit can only be issued following and subject to the conditions of the plans, maps, and designs submitted as part of the variance request. No dimensions can be altered.
- ☐ **Site Plan:** with the following information. *The proposed project shall be staked out prior to submitting the application to Land Services.*
- ☐ Location of all existing and proposed structures, their dimensions and setbacks from lot lines, the ordinary high-water level, septic system, and other structures.
- ☐ Existing and proposed driveway, access road(s), off-street parking & sidewalks.
- ☐ Location of septic system with setbacks related to the request, any wells and, when relevant, the location of neighboring wells.
- ☐ Location of and dimensions of any proposed retaining walls that will result from constructing the proposed structure or SSTS system.
- ☐ Other: _____

Additional Submittals for Shoreland Variances

- ☐ **Certificate of Survey:** must contain all the information on the Survey Checklist (page 9) and is required in the following situations:
- The variance request involves a location within the shoreland zoning district.
 - The variance request is encroaching upon a side yard property line.
 - Other circumstances as determined by staff.
- ☐ **Grading Plan:** If the project is a walkout-style structure or located on a steep slope or impacting a bluff impact zone, a grading plan is required. After reviewing your proposal at the Development Review Team meeting, the specific information that will be required in the grading plan for the project will be determined by the LS department.
- ☐ **Stormwater Management Plan** (page 10): When in the shoreland zoning district or when required to mitigate impacts to surface waters.
- ☐ **Vegetation Plan** (page 10): and/or any proposed landscaping and screening plans

AFTER-THE-FACT VARIANCE APPLICATION

Property & Applicant Information

Parcel ID #: _____

Property Address: _____

Applicant Name: _____ Phone: _____

Applicant Mailing Address: _____

Applicant Email: _____

If different from the applicant, complete the property owner information below

Property Owner Name: _____ Phone: _____

Property Owner Mailing Address: _____

APPLICANT(S) MUST ANSWER AND SUBMIT THE FOLLOWING:

1. Indicate, as shown on the site plan, what encroachments are requested (check all that apply)

Encroach on the setback from or exceed:

<input type="checkbox"/> Water Body _____ ft.	<input type="checkbox"/> SSTS Drainfield _____ ft	<input type="checkbox"/> Road Right of Way _____ ft
<input type="checkbox"/> Bluff _____ ft	<input type="checkbox"/> SSTS Tank _____ ft	<input type="checkbox"/> Property Line _____ ft
<input type="checkbox"/> Feedlot _____ ft	<input type="checkbox"/> Non-Feedlot Residence _____ ft	<input type="checkbox"/> Wetland _____ ft
<input type="checkbox"/> Impervious Surface _____ %	<input type="checkbox"/> Other _____	

2. State precisely what is intended to be done on or with the property & why it doesn't conform to current Ordinances. Have alternatives been pursued? Why aren't they feasible?

3. Demonstrate how you attempted to minimize the degree of deviation necessary from the standard from which you request a variance and what alternatives exist.

4. What reasonable use of your property is lost by the strict enforcement of the related Ordinance?

5. I understand mitigation/conditions may be required if this variance request is approved.

YES ☐ NO ☐

6. The variance checklist has been reviewed, and all information has been provided.

YES ☐ NO ☐

I hereby swear and affirm that the information supplied to Morrison County Land Services is accurate and true. I acknowledge that this application is rendered invalid, and void should the County determine that information supplied by me, the applicant, in applying for this variance, is inaccurate or untrue. Additionally, I acknowledge the continued validity of any variance that may be granted is contingent upon the compliance of all work being done according to the information herewith submitted and approved. Signature of this application authorizes Land Services Staff, Board of Adjustment and/or Planning Commission members, and the County Board of Commissioners to enter upon the property to perform needed inspections and review. Entry may be without prior notice.

Property Owner(s) Signature

Date

Applicant Signature (if different)

Date

Criteria Questions

A variance may be granted only when it is in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan and where the strict enforcement of county zoning controls will result in a practical difficulty. A determination that a “practical difficulty” exists is based upon considering the following criteria as defined in Minnesota Statutes, Section 394.27. **Please answer the following questions about your specific variance request(s).**

1. Is the request in harmony with the general purposes and intent of the Morrison County Land Use Ordinance and Comprehensive Plan?

Considering a variance request is a balancing test that requires weighing the needs of an individual property owner against the purposes of state and local regulations. The question is, “What is the intention of the law I am asking to deviate from, and how is my request in harmony with that intent?” For example, in the case of shoreland, the Statewide Shoreland Management Rules establish structure setbacks from water bodies for several reasons, including but not limited to managing the effects of shoreland crowding, preventing surface water pollution, and maintaining property values and natural characteristics of shorelands. These regulations are implemented through the county ordinances.

The county comprehensive plan establishes a framework for achieving the county’s vision for the future. The plan contains goals and policies for future development/growth, economic development, transportation, and protection of natural resources and shorelands. The variance request must be considered with these goals and policies in mind. The plan should be consulted to determine if the property is within any areas identified for protection.

☐ YES ☐ NO Why or why not?

2. Are you proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Consider the physical characteristics of the lot (size, slope, setbacks) to determine if the proposed variance is reasonable for the particular property and if it can adequately support the proposed project. Have previous variances been granted to the property? Will future variances be needed to improve the lot further? Is there room for a full septic system or to replace the septic system? Can this property support a change from seasonal to full-time use?

☐ YES ☐ NO Why or why not?

3. Will the issuance of the variance maintain the essential character of the locality?

Consider the size of the proposed structure compared to others nearby, the extent of encroachment, and in the case of shoreland, how it relates to the shoreline and hydrology of the riparian area. For example, a large addition and associated grading close to the shoreline can detract from the natural appearance and character of the lake and its riparian areas and degrade water quality by altering topography, drainage, and vegetation in the riparian area negatively affecting recreational, natural, and economic values.

☐ YES ☐ NO Why or why not?

4. Is the alleged practical difficulty due to circumstances unique to the property?

Examine the reasons that the variance is requested and evaluate them in light of the purposes of the ordinance and, in the case of shoreland, the public water resource at stake. For example, the Ordinary High Water Level setback is generally intended to keep development away from the water's edge and maintain the shoreline's natural characteristics and function. As such, development within the setback area should only be considered when no other alternatives exist, particularly if the public water at stake is impaired or at risk of becoming impaired.

☐ YES ☐ NO Why or why not?

5. Is the need for the variance created by actions other than you or the prior landowners?

Unique circumstances relate to physical characteristics of the land such as lot dimensions, steep slopes, poor soils, and wetlands, that prevent compliance with the required setbacks. These do not include physical limitations created by the property owner or personal circumstances such as a growing family or design preferences. Consider what distinguishes this property from other properties to justify why the applicant should be allowed to deviate from the required setback when others must comply.

☐ YES ☐ NO Why or why not?

6. Does the alleged practical difficulty involve more than just economic considerations?

Economic considerations are involved in many variances, but it can't be the sole reason for the request. If the request is because this is the cheapest route to achieve the project, then this is not met. Items may be because of financial reasons, but documentation must be shown other items are also causing a practical difficulty.

☐ YES ☐ NO Why or why not?

The Board of Adjustment considers each of the elements listed above. If any one element is voted “no” in the majority, then the criteria for granting a variance, per Minnesota Statutes, Section 394.27, has not been met, and the variance, as requested, cannot be granted

STAFF: Applicant requests variance from Section(s) _____ of

Morrison County Ordinance(s) _____

The intended use that does not comply with the ordinance is: _____

After-the-Fact Background Information Landowner Variance Request

State Statutes section 394.27 provides the property owner the right to apply for relief from the strict enforcement of the county land use ordinance. An area variance may be granted only where the strict enforcement of county zoning controls will result in "practical difficulty." A determination that a "practical difficulty" exists is based upon the consideration of the criteria listed below. For each of the criteria below, please answer the question as completely as possible.

1. Why did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? Did the applicant act in good faith? Why or Why not?

2. Did the applicant attempt to comply with the law by obtaining the proper permits? Why or Why not?

3. Did the applicant obtain a permit from another entity that violated the law? Provide explanation below.

4. Did the applicant make a substantial investment in the property? Provide details below.

5. Did the applicant complete the repairs/construction before the applicant was informed of the impropriety? Please provide details below.

6. Is the nature of property residential/recreational and not commercial? Please provide details below.

7. Are there other similar structures on the lake? Please provide details below (if applicable).

8. Would the minimum benefits to the county appear to be far outweighed by the detriment the applicant would suffer if forced to remove the structure? Why or why not?

In light of all of the above factors, would denying a variance serve the interests of justice? Why or why not?

The burden is on you, the applicant, to show you meet the criteria to be granted a variance

Variances are granted when a practical difficulty is shown *and* when the request is in harmony with the intent of the standard outlined in Ordinance and policy within the Comprehensive and Water Plans

A Practical Difficulty is three things:

- The problem is **UNIQUE**

Unique circumstances relate to the physical characteristics of the land, such as lot shape and dimensions. They do **not** include personal matters unrelated to the property itself, such as health difficulties, a growing family, design preferences, or changes made to the property by the property owner that prevent compliance with the ordinance.

Steep slopes/bluffs, floodplains, riparian vegetation and erodible soils are common, and not usually unique in shoreland areas. Owning and developing land in sensitive areas requires acknowledgement of these conditions and designing with them in mind; that is the point of shoreland and floodplain regulations

Considerations: *What distinguishes this property from other properties subject to the same regulations to justify deviation from the requirements when others must comply? Have you demonstrated that no feasible alternatives exist that would not require a variance? Is this application motivated by economic concerns or design preferences?*

- The **ESSENTIAL CHARACTER** of the locality won't change

This criterion requires assessing whether the resulting structure or land disturbance will alter the site's hydrology, soil stability, vegetation, aesthetics, and landscape features, be out of place or scale, or otherwise inconsistent with the surrounding area.

Considerations: *How does the size and character of the structure compare to other structures in the area or expectations as described in the comprehensive plan or other policy documents? To what extent does the structure encroach into sensitive natural areas such as bluffs or shores? Is significant soil disturbance or vegetation removal required? What is the long-term risk from changing hydrology and increasing erosion and subsequent sediment in public waters? Do the structure and shoreline alterations affect the character of the area?*

- The request is **REASONABLE**

The standards in the local ordinance are established to protect public water resources and adjoining property. It may not be reasonable to deviate from them if doing so would undermine those protections, For example, a minor deviation on a setback may not reduce the protection function of the setback, but a major deviation would. Variance requests should only be considered reasonable when no other alternatives exist, particularly if the public water is at stake, is impaired or at risk of becoming impaired.

Considerations: *How substantial is the request in relation to the standard? What might be considered a reasonable deviation from the rules in a non-riparian area could have significant impacts in a riparian zone. How justifiable are the reasons for the variance request in the context of sensitive shoreland areas and the potential impacts on public waters?*

SURVEYOR INFORMATION SHEET

For Shoreland Variances

Give this checklist to your surveyor

Parcel# _____ Property Owner Name _____

Property Address _____

Surveyor Name _____ Surveyor Contact _____

INFORMATION TO BE SHOWN ON THE CERTIFICATE OF SURVEY

Show location of:

- | | |
|---|---|
| <input type="checkbox"/> Ordinary High Water Level (OHWL)* | <input type="checkbox"/> Shore and Bluff Impact Zone |
| <input type="checkbox"/> Floodplain boundary and BFE | <input type="checkbox"/> Property lines |
| <input type="checkbox"/> 2-foot contours | <input type="checkbox"/> Road rights-of-way/ private roads/ easements |
| <input type="checkbox"/> Existing structures, including decks | <input type="checkbox"/> Proposed structures/alterations |
| <input type="checkbox"/> Building envelope incl. square footage | <input type="checkbox"/> Wetlands |

Show required setback line from:

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> OHWL | <input type="checkbox"/> Side property line | <input type="checkbox"/> Rear property line | <input type="checkbox"/> Road rights-of-way/ private roads/ easements |
| <input type="checkbox"/> Bluff | <input type="checkbox"/> Septic system (tank and drainfield) | <input type="checkbox"/> Setback distance for all proposed encroachments | |
| <input type="checkbox"/> All impervious surfaces (existing & proposed shown with the total impervious calculation for each)* | | | |
| <input type="checkbox"/> Other: _____ | | | |

Provide the Land Services Department with:

- | | |
|--|--|
| <input type="checkbox"/> Electronic Copy | <input type="checkbox"/> 1 - 11" x 17" Hard Copy |
|--|--|

*Only land above the Ordinary High Water Level of public waters can be used to meet lot area standards.

Variance Conditions/Mitigation Requirements

State Law/Morrison County Ordinance Requirements

If a variance is granted, conditions may be placed on the variance to mitigate the impacts of the variance. The mitigation is often related to the impacts of stormwater, but, in all cases, it is an attempt to lessen the potential negative effects of construction on a property and neighboring properties.



The most sensitive areas around water bodies are the areas closest to them and in areas with steep slopes. Native vegetation buffers, depressions to capture runoff, and reducing/eliminating impervious surfaces on waterfront properties will often be conditions of a variance, if granted.

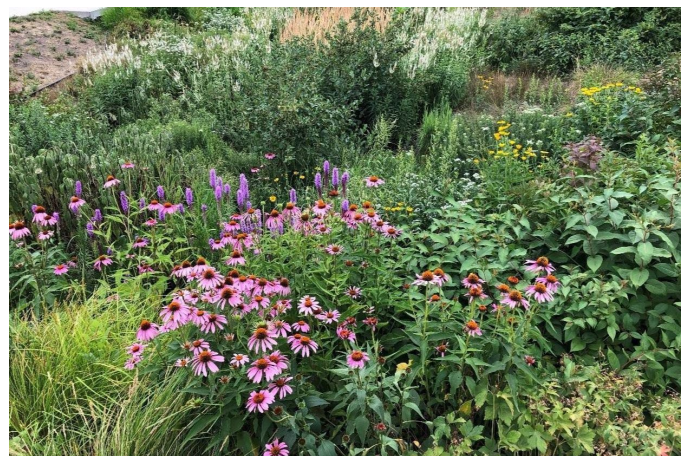
Types of conditions to expect if a variance is granted

- **Reducing impervious surface**
 - Decks, patios, and sheds are impervious surfaces and may be required to be reduced in size or removed
- **Increase the setback of the nonconforming structure from what exists and/or is proposed**
 - If a structure is closer than the current standard, it may need to be moved back
- **Establish native plant buffers**
 - Buffers with native plants (not ornamentals) may be established along slopes or shorelines
- **Stormwater Management**
 - Infiltration trenches, basins, & raingardens, adding gutters and removing concentrated runoff on slopes or toward water bodies, and reducing impervious surfaces are a few elements here.

You are responsible for contacting the Land Services Department once conditions have been completed



A native plant shoreline buffer.



Plants in a raingarden

2026 BOA/MCPC Deadlines & Meeting Dates

(Meetings will be held in correspondence with the County Board Meetings each month except if a Holiday)

Deadline

Meeting

Wed. December 10, 2025
Tues. December 23, 2025
Wed. January 7, 2026
Wed. January 21, 2026
Wed. February 4, 2026
Wed. February 18, 2026
Wed. March 4, 2026
Wed. March 18, 2026
Wed. April 1, 2026
Wed. April 15, 2026
Wed. April 29, 2026
Wed. May 13, 2026
Wed. May 27, 2026
Wed. June 10, 2026
Wed. June 24, 2026
Wed. July 8, 2026
Wed. July 22, 2026
Wed. August 5, 2026
Wed. August 19, 2026
Wed. September 2, 2026
Wed. September 16, 2026
Wed. September 30, 2026
Wed. October 14, 2026
Wed. October 28, 2026
Tues. November 10, 2026
Wed. November 25, 2026

Tues. January 6, 2026
Tues. January 20, 2026
Tues. February 3, 2026
Tues. February 17, 2026
Tues. March 3, 2026
Tues. March 17, 2026
Tues. March 31, 2026
Tues. April 14, 2026
Tues. April 28, 2026
Tues. May 12, 2026
Tues. May 26, 2026
Tues. June 9, 2026
Tues. June 23, 2026
Tues. July 7, 2026
Tues. July 21, 2026
Tues. August 4, 2026
Tues. August 18, 2026
Tues. September 1, 2026
Tues. September 15, 2026
Tues. September 29, 2026
Tues. October 13, 2026
Tues. October 27, 2026
Mon. November 9, 2026
Tues. November 24, 2026
Tues. December 8, 2026
Tues. December 22, 2026

(Viewing: prior to meeting date if viewing properties)