



City of Orono

Practical Difficulties Worksheet

For Variances

Minnesota State Statutes Section 462.357, Subdivision 6(2) requires that practical difficulties be demonstrated in order for a variance to be granted. The difficulties must be unique to the property as variances run with the land and not the land owner. *Personal and economic situations are not considered valid practical difficulties.*

HOW DO I PROVE A PRACTICAL DIFFICULTY?

This form has 12 points outlining the basis the City uses to determine if practical difficulties exist and how the variance will affect the surrounding community. To prove practical difficulties, address all the relevant points listed below and answer them as clearly as possible.

Since you are requesting the code exception, **you have the burden of proving that the variance is justified.** The information the City receives is what is used in determining a denial or approval recommendation. .

Do not fill out this sheet. There will be space on your online application to address these criteria.

1. "The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Chapter."
2. "The plight of the landowner is due to circumstances unique to his property not created by the landowner."
3. "The variance, if granted, will not alter the essential character of the locality."
4. "Economic considerations alone do not constitute practical difficulties if reasonable use for the property exists under the terms of the Zoning Chapter."
5. "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 Minnesota Statutes, Section 116J.06, Subd. 2, when in harmony with this Chapter."
6. "The Board of Appeals and Adjustments or the Council may not permit as a variance any use that is not allowed under this Chapter for property in the zone where the affected person's land is located."
7. "The Board or Council may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling."
8. "The special conditions applying to the structure or land in question are peculiar to such property or immediately adjoining property."
9. "The conditions do not apply generally to other land or structures in the district in which said land is located."
10. "The granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant."
11. "The granting of the proposed variance will not in any way impair health, safety, comfort, morals, or in any other respect be contrary to the intent of the Zoning Code."
12. "The granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate demonstrable difficulty."

Practical Difficulties Statement

Should you feel the practical difficulties cannot fully be described in the above criteria, describe the practical difficulties preventing compliance with Zoning Ordinance requirements.