



This is part of a series of documents to help local governments make good variance decisions. The complete series may be found on the DNR web page [Variances in Shorelands, Floodplains and other DNR-protected Waterways](#)

#1: Is the request in harmony with the general purposes and intent of the ordinance?

Example: The ordinance **states** that structures are prohibited in the bluff impact zone, the purpose of which is to protect sensitive slopes from disturbance, prevent soil erosion, maintain property values, and preserve the natural characteristics of the river bluff. The proposed variance **is for** a “walkout” home that extends 20’ into the bluff impact zone, which will require extensive grading at the top of a bluff. The variance **is not** in harmony with the purpose and intent of the ordinance **because** extensive disturbance in this highly erodible area puts the bluff and home at risk of damage from slumping, could cause long-term erosion and sedimentation into the lake and affect water quality, and changes the natural appearance of the bluffs.

#2: Would granting the variance be consistent with the comprehensive plan?

Example: The Comprehensive Plan contains **the following policies regarding this request:** to ensure that shoreland redevelopment strives to protect water quality, achieves greater compliance with shoreland regulations, and protects shoreland property values (see Section III). Furthermore, the applicant’s property is located in an area mapped as having high scenic and ecological value for the community (see Map 5). Granting the variance **is not** consistent with the comprehensive plan **because** the addition will result in greater runoff and erosion potential on steep slopes that could affect water quality, greater encroachment toward the lake rather than greater compliance, and could put the property at risk.

#3: Are there unique circumstances to the property not created by the landowner?

Example: There are **no** circumstances unique to the property that would prevent compliance with the ordinance **because** the lot is 4 acres in size with sufficient area to construct an addition that meets all other requirements of the ordinance.

#4: Would granting the variance allow the essential character of the locality to stay the same?

Example: The variance **will** alter the essential character of the locality **because** the walkout design will make the home more visible from the river. Additionally, grading and tree removal will extend at least 15’ out from the foundation to accommodate the walkout. This will reduce mature tree cover on the bluff and substantially alter the stability and natural appearance of the bluff.

#5: Does the owner propose to use the property in a reasonable manner not permitted by the ordinance?

Example: The property owner **does not** propose to use the property in a reasonable manner given the purpose of the bluff impact zone protections **because** the applicant has not sufficiently demonstrated why it is necessary to build in a sensitive, actively eroding bluff area when they have a four-acre lot and there are other less intrusive alternatives that would not undermine the bluff protections in place. It is not reasonable to construct an addition in a location that has a high potential to add to existing erosion and cause additional sediment flow into the river, especially when other alternatives exist that would have less impact.