

Itasca County Environmental Services
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A. It is the applicant's responsibility to provide answers to all of the following before the Board of Adjustment. These criteria, labeled 1-5 below, will be asked of the applicant during the public hearing. A variance can be granted only after all criteria are answered and supported with established findings of fact.

1. Has the applicant established a practical difficulty in complying with the land use controls that is unique to the property? Was the practical difficulties a result of actions taken earlier by the applicant or previous owners of the property? Yes or No? Justify your answer in detail.
(Variances will not be granted for economic or personal circumstances alone.)
2. Is a variance the only feasible method to alleviate the practical difficulty? Yes or No? Justify your answer in detail.
3. If granted, will the variance maintain the essential character of the locality and not create a substantial detriment to neighboring properties? Yes or No? Justify your answer in detail.
4. Will the variance result in a use of the property in a reasonable manner not permitted by an official control? Yes or No? Justify your answer in detail.
5. Is the variance consistent with the spirit and intent of the Itasca County Zoning Ordinance, the Itasca County Comprehensive Land Use Plan, and in the public interest of protecting public health, safety, convenience, welfare, property value, and the environment? Yes or No? Justify your answer in detail.

B. In addition to the above, the Board of Adjustment must make findings on the following factors for an After-the-Fact Variance:

1. Did the applicant act in good faith and not act willfully or without the intent to violate the ordinance? Yes or No? Justify your answer in detail.
2. Did the applicant attempt to comply with the ordinance by obtaining a county zoning permit, or permit from other legal entity? Yes or No? Justify your answer in detail.
3. Did the applicant make a substantial investment in the property, or complete repairs/construction before being informed of the impropriety? (This applies only if the applicant acted in good faith). Yes or No? Justify your answer in detail.
4. Does allowing the After-the-Fact variance provide due process that is not inconsistent with the treatment of others? Why or why not?
5. Is the variance a minimal variation from the requirement that does not create an undue burden on the County or the Public? Yes or No? Justify your answer in detail.

C. For an application that includes a variance from the requirement that contiguous nonconforming parcels be combined (see Zoning Ordinance Section 4.2.3), the following must be answered:

1. Will the variance not unreasonably alter the building density of the locality? Yes or No? Justify your answer in detail.
2. Can a compliant water supply and septic system be installed upon both the subject property and all those parcels within 100 feet of the subject parcel (where applicable), without causing pollution to wells, lakes, streams, rivers, or wetlands? Yes or No? Justify your answer in detail.