

Property Owners can request deviations from the City's Zoning Ordinance through conditional use permits and variances. Conditional use permits and variances are similar in that both require a public hearing and both are subject to the 60-day rule.

The most important distinction between a conditional use permit and a variance is the type of deviation from the zoning ordinance.

A **“conditional use permit”** involves uses that generally are not consistent with a particular zoning district, but are allowed in specific circumstances set forth in the city's zoning ordinance.

A **“variance”** is a permitted departure from strict enforcement of the code if such enforcement would cause the owner practical difficulties.

CONDITIONAL USES (Section 462.3595, Minnesota Statutes)

A “conditional use” is a “permitted use with conditions”. An applicant for a conditional use permit must show that the standards and criteria in the ordinance will be satisfied. Reasonable conditions may be attached to a conditional use permit by the Council.

Conditional use permits “run with the land” and are not granted to a specific owner or for a specific time period.

However, the City can revoke a conditional use permit if there is not substantial compliance with the conditions. Such a revocation would be based upon evidence and would follow notice to the permit holder and a hearing.

VARIANCES (Section 462.357, Subdivision 6, Minnesota Statutes)

The Council may grant a variance only when strict enforcement of the ordinance causes the owner “practical difficulties”.

- The property owner proposes to use the property in a reasonable manner not permitted by an official control.
- The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. All three of these criteria must apply in order to prove “practical difficulties”.

ZONING APPLICATIONS

Zoning applications for variances and conditional use permits are filed with the City’s Building & Zoning Office. A completed zoning application, along with a site plan and any other attachments or documents relating to the application, must be submitted to the Building & Zoning Office for review. The completed application can be e-mailed to the Building & Zoning Official at andrew.spielman@windommn.com or delivered to the Building & Zoning Office for review.

Following review, the Building & Zoning Official will contact the applicant to discuss any additional information that may be required. The applicant can then submit the signed Zoning Application, any required supplemental attachments, and pay the \$150 filing fee at the Building & Zoning Office in City Hall. After the Building & Zoning Official has accepted the application for filing, the 60-Day Rule will commence.

Please contact the Building & Zoning Office (832-8660 or 832-8659) for more information if you wish to file a Zoning Application concerning a new subdivision (platting), rezoning, or a zoning amendment.

60-DAY RULE (Section 15.99, Minnesota Statutes)

A municipality must approve or deny a written request relating to zoning within 60 days of its filing. If the city does not act, the request is deemed automatically approved.

The 60-Day period can be extended an additional 60 days by written notice to the applicant.