

ORDINANCE NO. 2011-04

**CASTLE ROCK TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

AN ORDINANCE OF THE CASTLE ROCK TOWNSHIP, MINNESOTA, AMENDING SECTION VIII, SUBDIVISION 8.06 OF ORDINANCE NO. 2002, CASTLE ROCK TOWNSHIP ZONING ORDINANCE, REGARDING STANDARDS FOR VARIANCES.

THE BOARD OF SUPERVISORS OF CASTLE ROCK TOWNSHIP ORDAINS:

SECTION 1. Section VIII of the *Castle Rock Township Zoning Ordinance, Ordinance No.2002* is amended by revising Subdivision 8.06(A) to read as follows:

A. Criteria for granting variances:

A variance may be granted from the strict application of the provisions of this Zoning Ordinance when the variance is in harmony with the general purposes and intent of the Zoning Ordinance and the applicant establishes that there are practical difficulties in complying with the strict letter of the regulations of this Zoning Ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the applicant proposes to use the property in a reasonable manner not permitted by the zoning provisions of this Zoning Ordinance; the plight of the applicant is due to circumstances unique to the property not created by the applicant; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. A variance will not be granted if it is inconsistent with the comprehensive plan.

The Board may grant approval or approval with conditions, or denial of the variance request. In considering a request for a variance and whether the applicant established that there are practical difficulties in complying with provision(s) of this Zoning Ordinance, the Board shall consider the following factors:

1. Circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the owners of the property have had no control;
2. Literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;
3. The applicant proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;
4. The circumstances affecting the property do not result from the actions of the applicant and is not merely for the convenience of the applicant;

5. Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to others of other lands, structures, or buildings in the same district; and
6. The variance will not alter the essential character of the locality.

Findings of the Board of Adjustment and Appeals should include evidence of the practical difficulties affecting the subject property.

SECTION 2. Effective Date. This Ordinance shall be effective upon its passage and publication according to law.

ADOPTED this ____ day of _____, 2011, by the Board of Supervisors of Castle Rock Township.

BY: _____
Russell Zellmer, Town Board Chair

ATTEST:

Jane Bistodeau, Clerk

Published in the *Farmington Independent* and the *Cannon Falls Beacon* this ____ day of _____, 2010.