

AUG 03 20

ROCKVILLE ACTIVITY

JULY 2011

TOTAL HOURS 34

(SEE ATTACHED ACTIVITY LIST FOR DETAILS)

ROCKVILLE CITATIONS - JULY 2011

Area	Offense Date	Citation #	Case #	Charge
ROCKVILLE	07/02/2011 17:23:00	ST 541-951	11037194	NO PFD FOR CHILD UNDER 10 YEARS OLD

ROCKVILLE CONTRACT - JULY 2011

<u>Actual Incid City</u>	<u>Date Received</u>	<u>Comp</u>	<u>Call Number</u>	<u>Complaint</u>	<u>First Unit</u>
ROCKVILLE	07/02/2011 00:50:31	01:56:54	11037078	CONTR	2550
ROCKVILLE	07/02/2011 18:20:20	19:24:56	11037213	CONTR	2574
ROCKVILLE	07/03/2011 10:56:55	11:57:05	11037372	CONTR	2551
ROCKVILLE	07/05/2011 07:52:33	08:57:23	11037786	CONTR	2507
ROCKVILLE	07/06/2011 21:53:45	23:04:48	11038179	CONTR	2572
ROCKVILLE	07/07/2011 05:09:48	06:11:19	11038222	CONTR	2558
ROCKVILLE	07/07/2011 21:03:54	22:07:11	11038367	CONTR	2579
ROCKVILLE	07/09/2011 00:29:58	01:41:56	11038668	CONTR	2549
ROCKVILLE	07/09/2011 02:02:19	03:40:44	11038680	CONTR	2573
ROCKVILLE	07/09/2011 21:59:44	02:03:56	11038861	CONTR	2574
ROCKVILLE	07/10/2011 02:58:39	04:01:19	11038930	CONTR	2570
ROCKVILLE	07/10/2011 18:07:25	20:15:41	11039033	CONTR	2574
ROCKVILLE	07/11/2011 05:17:48	06:20:30	11039161	CONTR	2546
ROCKVILLE	07/12/2011 14:23:40	15:39:37	11039442	CONTR	2555
ROCKVILLE	07/12/2011 19:54:52	23:27:56	11039516	CONTR	2540
ROCKVILLE	07/13/2011 11:18:35	14:30:09	11039630	CONTR	2553
ROCKVILLE	07/15/2011 22:13:49	00:37:21	11040252	CONTR	2541
ROCKVILLE	07/16/2011 03:17:10	04:23:50	11040325	CONTR	2568
ROCKVILLE	07/16/2011 20:35:53	21:40:36	11040451	CONTR	2549
ROCKVILLE	07/17/2011 03:27:57	05:13:11	11040560	CONTR	2546
ROCKVILLE	07/18/2011 07:49:33	09:08:18	11040731	CONTR	2548
ROCKVILLE	07/18/2011 07:49:43	09:08:26	11040732	CONTR	2548
ROCKVILLE	07/18/2011 07:49:54	09:08:33	11040733	CONTR	2548
ROCKVILLE	07/19/2011 05:07:35	06:07:56	11040932	CONTR	2568
ROCKVILLE	07/20/2011 15:24:27	16:36:46	11041272	CONTR	2555
ROCKVILLE	07/21/2011 19:45:50	20:31:20	11041549	CONTR	2540
ROCKVILLE	07/22/2011 20:37:16	21:48:03	11041795	CONTR	2544
ROCKVILLE	07/23/2011 02:47:17	05:07:11	11041863	CONTR	2562
ROCKVILLE	07/24/2011 18:07:23	21:28:48	11042239	CONTR	2569
ROCKVILLE	07/25/2011 20:27:29	21:42:46	11042492	CONTR	2579
ROCKVILLE	07/26/2011 15:30:31	18:39:57	11042665	CONTR	2552
ROCKVILLE	07/27/2011 05:24:40	06:25:57	11042778	CONTR	2550
ROCKVILLE	07/27/2011 20:07:44	21:19:48	11042949	CONTR	2578
ROCKVILLE	07/28/2011 12:50:14	14:02:51	11043063	CONTR	2542
ROCKVILLE	07/29/2011 00:33:40	01:45:11	11043202	CONTR	2541
ROCKVILLE	07/30/2011 01:20:19	02:53:54	11043577	CONTR	2547

ALL CALLS IN ROCKVILLE - JULY 2011

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	07/01/2011 10:39:45	11036873	1052	ACCIDENT WITH MINOR INJURIES
ROCKVILLE	07/19/2011 11:27:11	11040976	1053	ACCIDENT AMBULANCE ENROUTE
ROCKVILLE	07/27/2011 01:19:15	11042762	AL	ALARM
ROCKVILLE	07/01/2011 18:29:12	11036981	AL	ALARM
ROCKVILLE	07/11/2011 06:48:55	11039167	AL	ALARM
ROCKVILLE	07/12/2011 21:29:18	11039533	AL	ALARM
ROCKVILLE	07/15/2011 20:27:18	11040217	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	07/15/2011 20:34:41	11040220	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	07/15/2011 20:52:17	11040224	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	07/15/2011 20:56:31	11040226	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	07/15/2011 21:07:09	11040230	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	07/26/2011 10:50:48	11042594	ALTST	ALARM TEST
ROCKVILLE	07/06/2011 16:23:59	11038110	ANI	ANIMAL COMPLAINT
ROCKVILLE	07/08/2011 16:54:29	11038552	ANIN	ANIMAL NEGLECT
ROCKVILLE	07/06/2011 17:44:30	11038129	ASSTA	AGENCY ASSIST
ROCKVILLE	07/27/2011 01:30:34	11042763	ASSTA	AGENCY ASSIST
ROCKVILLE	07/17/2011 16:10:14	11040646	ASSTA	AGENCY ASSIST
ROCKVILLE	07/17/2011 15:12:23	11040636	ASSTP	PERSONAL ASSIST
ROCKVILLE	07/15/2011 18:56:03	11040190	ASSTP	PERSONAL ASSIST
ROCKVILLE	07/22/2011 01:40:13	11041614	CC	CITIZEN CONTACT
ROCKVILLE	07/04/2011 21:33:47	11037719	CIVIL	CIVIL MATTER
ROCKVILLE	07/06/2011 21:53:45	11038179	CONTR	CONTRACT
ROCKVILLE	07/03/2011 10:56:55	11037372	CONTR	CONTRACT
ROCKVILLE	07/02/2011 00:50:31	11037078	CONTR	CONTRACT
ROCKVILLE	07/02/2011 18:20:20	11037213	CONTR	CONTRACT
ROCKVILLE	07/09/2011 00:29:58	11038668	CONTR	CONTRACT
ROCKVILLE	07/09/2011 02:02:19	11038680	CONTR	CONTRACT
ROCKVILLE	07/09/2011 21:59:44	11038861	CONTR	CONTRACT
ROCKVILLE	07/05/2011 07:52:33	11037786	CONTR	CONTRACT
ROCKVILLE	07/07/2011 05:09:48	11038222	CONTR	CONTRACT
ROCKVILLE	07/07/2011 21:03:54	11038367	CONTR	CONTRACT
ROCKVILLE	07/12/2011 14:23:40	11039442	CONTR	CONTRACT
ROCKVILLE	07/12/2011 19:54:52	11039516	CONTR	CONTRACT
ROCKVILLE	07/10/2011 18:07:25	11039033	CONTR	CONTRACT
ROCKVILLE	07/10/2011 02:58:39	11038930	CONTR	CONTRACT
ROCKVILLE	07/21/2011 19:45:50	11041549	CONTR	CONTRACT
ROCKVILLE	07/20/2011 15:24:27	11041272	CONTR	CONTRACT
ROCKVILLE	07/19/2011 05:07:35	11040932	CONTR	CONTRACT
ROCKVILLE	07/16/2011 03:17:10	11040325	CONTR	CONTRACT
ROCKVILLE	07/16/2011 20:35:53	11040451	CONTR	CONTRACT
ROCKVILLE	07/17/2011 03:27:57	11040560	CONTR	CONTRACT
ROCKVILLE	07/11/2011 05:17:48	11039161	CONTR	CONTRACT
ROCKVILLE	07/13/2011 11:18:35	11039630	CONTR	CONTRACT
ROCKVILLE	07/15/2011 22:13:49	11040252	CONTR	CONTRACT
ROCKVILLE	07/18/2011 07:49:33	11040731	CONTR	CONTRACT
ROCKVILLE	07/18/2011 07:49:43	11040732	CONTR	CONTRACT
ROCKVILLE	07/18/2011 07:49:54	11040733	CONTR	CONTRACT
ROCKVILLE	07/27/2011 05:24:40	11042778	CONTR	CONTRACT
ROCKVILLE	07/26/2011 15:30:31	11042665	CONTR	CONTRACT
ROCKVILLE	07/24/2011 18:07:23	11042239	CONTR	CONTRACT
ROCKVILLE	07/25/2011 20:27:29	11042492	CONTR	CONTRACT
ROCKVILLE	07/22/2011 20:37:16	11041795	CONTR	CONTRACT
ROCKVILLE	07/23/2011 02:47:17	11041863	CONTR	CONTRACT
ROCKVILLE	07/27/2011 20:07:44	11042949	CONTR	CONTRACT
ROCKVILLE	07/28/2011 12:50:14	11043063	CONTR	CONTRACT
ROCKVILLE	07/29/2011 00:33:40	11043202	CONTR	CONTRACT
ROCKVILLE	07/30/2011 01:20:19	11043577	CONTR	CONTRACT
ROCKVILLE	07/10/2011 17:41:31	11039029	CUSTODY	CHILD CUSTODY DISPUTE
ROCKVILLE	07/07/2011 02:43:06	11038216	DOORCHK	DOOR CHECK(S)

<u>City</u>	<u>Date Received</u>	<u>Call Number</u>	<u>Complaint</u>	<u>Description</u>
ROCKVILLE	07/22/2011 01:27:43	11041610	DOORCHK	DOOR CHECK(S)
ROCKVILLE	07/22/2011 18:11:13	11041769	DRIVE	DRIVING COMPLAINT
ROCKVILLE	07/02/2011 19:19:17	11037227	DRIVE	DRIVING COMPLAINT
ROCKVILLE	07/29/2011 00:14:58	11043198	DWI	DRUNK DRIVER ARREST
ROCKVILLE	07/01/2011 20:24:18	11037012	FIREO	FIRE OTHER
ROCKVILLE	07/01/2011 18:24:54	11036980	FIREO	FIRE OTHER
ROCKVILLE	07/05/2011 07:47:05	11037785	FIREO	FIRE OTHER
ROCKVILLE	07/01/2011 14:05:12	11036912	FPROP	FOUND PROPERTY
ROCKVILLE	07/07/2011 14:17:56	11038297	GAS	GAS LEAK
ROCKVILLE	07/13/2011 08:14:21	11039583	GUN	GUN/PERSON WITH
ROCKVILLE	07/25/2011 15:27:22	11042425	HAR	HARASSMENT COMPLAINT
ROCKVILLE	07/26/2011 16:02:52	11042675	HAR	HARASSMENT COMPLAINT
ROCKVILLE	07/26/2011 11:56:57	11042602	HAR	HARASSMENT COMPLAINT
ROCKVILLE	07/17/2011 11:35:33	11040595	HAZ	HAZARD
ROCKVILLE	07/16/2011 01:06:55	11040297	HAZ	HAZARD
ROCKVILLE	07/13/2011 10:06:54	11039613	HAZ	HAZARD
ROCKVILLE	07/10/2011 21:21:40	11039104	HAZ	HAZARD
ROCKVILLE	07/01/2011 20:00:29	11037001	HAZ	HAZARD
ROCKVILLE	07/01/2011 19:41:39	11036996	HAZ	HAZARD
ROCKVILLE	07/02/2011 15:56:41	11037174	HAZ	HAZARD
ROCKVILLE	07/22/2011 19:03:43	11041778	INFO	MATTER OF INFORMATION
ROCKVILLE	07/18/2011 15:24:24	11040791	JUVP	JUVENILE/PROBLEM WITH
ROCKVILLE	07/15/2011 21:56:18	11040245	LM	LOUD MUSIC
ROCKVILLE	07/04/2011 00:42:40	11037555	LP	LOUD PARTY
ROCKVILLE	07/03/2011 19:17:44	11037466	MED	MEDICAL EMERGENCY
ROCKVILLE	07/04/2011 09:31:03	11037596	MED	MEDICAL EMERGENCY
ROCKVILLE	07/09/2011 17:54:16	11038799	MED	MEDICAL EMERGENCY
ROCKVILLE	07/29/2011 14:21:16	11043353	MED	MEDICAL EMERGENCY
ROCKVILLE	07/10/2011 03:08:15	11038933	NOISE	NOISE COMPLAINT
ROCKVILLE	07/23/2011 10:43:56	11041898	PAPSV	PAPER SERVICE
ROCKVILLE	07/22/2011 20:56:42	11041800	PAPSV	PAPER SERVICE
ROCKVILLE	07/23/2011 19:22:51	11041978	PAPSV	PAPER SERVICE
ROCKVILLE	07/26/2011 17:21:54	11042686	PAPSV	PAPER SERVICE
ROCKVILLE	07/25/2011 16:05:05	11042436	PAPSV	PAPER SERVICE
ROCKVILLE	07/25/2011 18:31:38	11042469	PAPSV	PAPER SERVICE
ROCKVILLE	07/28/2011 12:17:35	11043061	PAPSV	PAPER SERVICE
ROCKVILLE	07/18/2011 16:31:19	11040826	PARKV	PARKING VIOLATION
ROCKVILLE	07/18/2011 17:02:10	11040830	PARKV	PARKING VIOLATION
ROCKVILLE	07/18/2011 17:05:01	11040832	PARKV	PARKING VIOLATION
ROCKVILLE	07/20/2011 20:25:30	11041341	PARKV	PARKING VIOLATION
ROCKVILLE	07/06/2011 13:35:08	11038059	PERG	GUN PERMIT
ROCKVILLE	07/28/2011 23:36:29	11043190	PROWL	PROWLER COMPLAINT
ROCKVILLE	07/07/2011 08:50:51	11038231	SD	SPECIAL DETAIL
ROCKVILLE	07/09/2011 09:07:46	11038712	SD	SPECIAL DETAIL
ROCKVILLE	07/09/2011 16:46:39	11038779	SD	SPECIAL DETAIL
ROCKVILLE	07/25/2011 23:06:17	11042522	SPEEDTRL	SPEED TRAILER
ROCKVILLE	07/25/2011 08:18:18	11042347	SPEEDTRL	SPEED TRAILER
ROCKVILLE	07/04/2011 10:09:48	11037603	STALL	STALLED VEHICLE
ROCKVILLE	07/01/2011 13:47:43	11036908	STALL	STALLED VEHICLE
ROCKVILLE	07/21/2011 18:44:30	11041533	SUSA	SUSPICIOUS ACTIVITY
ROCKVILLE	07/26/2011 03:14:12	11042548	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	07/15/2011 23:14:23	11040269	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	07/15/2011 22:45:13	11040260	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	07/10/2011 00:53:24	11038913	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	07/29/2011 01:03:03	11043205	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	07/30/2011 02:08:39	11043588	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	07/05/2011 09:54:05	11037797	THEFT	THEFT
ROCKVILLE	07/06/2011 02:57:48	11037963	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/09/2011 02:04:39	11038682	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/09/2011 02:10:55	11038685	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/01/2011 02:11:32	11036811	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/02/2011 00:30:29	11037073	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/02/2011 02:14:09	11037094	Traffic Stop	TRAFFIC STOP

<u>City</u>	<u>Date Received</u>	<u>Call Number</u>	<u>Complaint</u>	<u>Description</u>
ROCKVILLE	07/02/2011 20:26:18	11037241	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/04/2011 11:46:15	11037614	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/03/2011 23:19:56	11037528	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/04/2011 01:39:15	11037564	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/07/2011 02:56:43	11038218	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/15/2011 23:03:06	11040266	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/16/2011 00:04:43	11040279	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/16/2011 04:29:14	11040330	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/17/2011 17:56:18	11040658	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/24/2011 14:51:55	11042202	TRAFFIC STOP	TRAFFIC STOP
ROCKVILLE	07/23/2011 22:41:18	11042036	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/22/2011 21:27:28	11041809	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/22/2011 18:46:28	11041775	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/22/2011 20:40:41	11041796	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/22/2011 20:47:12	11041798	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/31/2011 00:31:01	11043809	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/31/2011 18:13:52	11044016	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/31/2011 18:14:34	11044018	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/28/2011 12:09:07	11043058	Traffic Stop	TRAFFIC STOP
ROCKVILLE	07/27/2011 19:51:38	11042946	VDITCH	VEHICLE IN THE DITCH
ROCKVILLE	07/11/2011 07:00:26	11039170	VERB	VERBAL DISPUTE
ROCKVILLE	07/22/2011 12:35:45	11041701	WARRANT	WARRANT
ROCKVILLE	07/30/2011 18:53:38	11043716	WAT	PROBLEM WITH WATERCRAFT
ROCKVILLE	07/08/2011 16:20:36	11038549	WATA	WATERCRAFT ACCIDENT
ROCKVILLE	07/02/2011 17:26:25	11037194	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/04/2011 20:14:04	11037704	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/21/2011 17:34:36	11041512	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/21/2011 17:39:02	11041516	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/21/2011 18:12:15	11041523	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/21/2011 18:29:05	11041525	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/22/2011 19:09:53	11041780	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/22/2011 19:22:19	11041783	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/22/2011 19:30:31	11041787	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/24/2011 14:14:38	11042192	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/23/2011 13:39:54	11041928	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/23/2011 13:41:21	11041929	WATV	WATERCRAFT VIOLATION
ROCKVILLE	07/18/2011 01:38:37	11040714	WEATHER	WEATHER RELATED
ROCKVILLE	07/18/2011 23:38:15	11040913	WELF	WELFARE CHECK
ROCKVILLE	07/27/2011 18:24:53	11042927	WELF	WELFARE CHECK
ROCKVILLE	07/03/2011 02:08:52	11037338	WELF	WELFARE CHECK
ROCKVILLE	07/01/2011 19:42:49	11036997	WELF	WELFARE CHECK
ROCKVILLE	07/10/2011 13:11:13	11038968	WELF	WELFARE CHECK



CITY OF ROCKVILLE

P.O. Box 93 • 229 Broadway Street East • Rockville, Minnesota 56369

(320) 251-5836 • FAX (320) 240-9620

www.rockvillecity.org

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

ROCKVILLE CITY COUNCIL

MAYOR

JEFF HAGEN
(320) 266-0377 CELL

COUNCILORS

BILL BECKER
(320) 253-9352 HOME

JEFF HOWE
(320) 333-9208 CELL

JERRY SCHMITT
(320) 252-4111 HOME

DON SIMON
(320) 252-6000 HOME

RANDY VOLKMUTH
(320) 240-6889 HOME

DUANE WILLENBRING
(320) 685-7775 HOME

CITY STAFF

RENA WEBER
CITY ADMINISTRATOR/CLERK
rweber@rockvillecity.org

JUDY NEU
UTILITY BILLING/
ADMINISTRATIVE ASSISTANT

CINDY ANDERSON
RECEPTIONIST

RICK HANSEN
PUBLIC WORKS DIRECTOR
250-2601 CELL

NICK PUNG
MAINTENANCE/
PUBLIC WORKS

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, August 9, 2011 at approximately 6:30 p.m. at Rockville City Hall** to consider the request of Mark H. Schneider for a **Conditional Use Permit for Home Extended Business**. The address of the property is: 23749 Lake Road, St. Cloud, MN 56301 with a legal description of:

The East One-half of the Northwest Quarter (E ½ NW ¼) of Section Fifteen (15). ALSO, all that part of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section Fifteen (15) bounded by a line described as follows, to-wit: commencing at the northeast corner of said SW ¼ of NW ¼ of said Section 15, thence running West 16 rods, thence southerly in a straight line 30 rods to a point four (4) rods west of the quarter quarter section line, thence East four (4) rods, thence North on said quarter quarter section line to the place of beginning, all being in Township One Hundred Twenty-three (123) North of Range Twenty-nine (29) west in Stearns County, Minnesota, subject to all easements and restrictions of record.

Less: Lot One (1), Block One (1), Little Oak Valley, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

SECTION 16 Subdivision 4: Conditional Uses reads:

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this Ordinance.

16. Home Extended Business

The request is to use property to construct kitchen facilities for business purposes.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN prior to the hearing, or be present at the public hearing.

Verena M. Weber-CMC
Administrator/Clerk

Publish 07/26/11 & 08/02/11
Cold Spring Record

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2011 Variance Legislation

The changes, which are now in effect, may require some cities to change ordinances or statutory cross-references.

After a long and contentious session working to restore city variance authority, the final version of HF 52 supported by the League and allies was passed unanimously by the Legislature.

On May 5, Gov. Dayton signed 2011 Minnesota Laws, Chapter 19, amending *Minnesota Statutes*, section 462.357, subdivision 6 to restore municipal variance authority in response to *Krummenacher v. City of Minnetonka*, 783 N.W.2d 721 (Minn. June 24, 2010). The law also provides consistent statutory language between *Minnesota Statutes*, chapter 462 and the county variance authority of *Minnesota Statutes*, section 394.27, subdivision 7.

In *Krummenacher*, the Minnesota Supreme Court narrowly interpreted the statutory definition of “undue hardship” and held that the “reasonable use” prong of the “undue hardship” test is not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance. The new law changes that factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling.

The new law was effective on May 6, the day following the governor’s approval. Presumably it applies to pending applications, as the general rule is that cities are to apply the law at the time of the decision, rather than at the time of application.

The new law renames the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retains the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance authority that was already in the county statutes: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

In addition, the new law clarifies that conditions may be imposed on granting of variances if those conditions are directly related to and bear a rough proportionality to the impact created by the variance.

Learn More

Read more about variances in:

[Land Use Variances: Frequently Asked Questions](#)

Consult your attorney for advice concerning specific situations.

In evaluating variance requests under the new law, cities should adopt findings addressing the following questions:

- Is the variance in *harmony with* the purposes and intent of the *ordinance*?
- Is the variance *consistent with* the *comprehensive plan*?
- Does the proposal put property to use in a *reasonable manner*?
- Are there *unique circumstances* to the property not created by the landowner?
- Will the variance, if granted, alter the *essential character* of the locality?

Some cities may have ordinance provisions that codified the old statutory language, or that have their own set of standards. For those cities, the question may be whether you have to first amend your zoning code before processing variances under the new standard. A credible argument can be made that the statutory language pre-empts inconsistent local ordinance provisions. Under a pre-emption theory, cities could apply the new law immediately without necessarily amending their ordinance first. In any regard, it would be best practice for cities to revisit their ordinance provisions and consider adopting language that mirrors the new statute.

Attached are a collection of sample documents reflecting the 2011 variance legislation. The attached samples include a draft ordinance, application form, and findings of fact template. While the attached materials may contain provisions that could serve as models in drafting your own documents, your city attorney would need to review prior to council action to tailor to your city's needs. Your city may have different ordinance requirements that need to be accommodated.

If you have questions about how your city should approach variances under this new statute, you should discuss it with your city attorney or contact **Jed Burkett**, LMC land use attorney, at jburkett@lmc.org or (651) 281-1247, or **Tom Grundhoefer**, LMC general counsel, at tgrundho@lmc.org or (651) 281-1266.

Jed Burkett 06/11

Attachment I. Sample Variance Ordinance

City of Mosquito Heights

ORDINANCE NO. 2011-xx
ORDINANCE PROVIDING FOR VARIANCES

An ordinance providing for the issuance of variances within the City of Mosquito Heights.

The City Council of Mosquito Heights ordains as follows:

SECTION 1. BOARD OF APPEALS AND ADJUSTMENTS

SUBD. 1. The Planning Commission shall be the Board of Appeals and Adjustments for this city, and as provided by Minn. Stat. Sec. 462.354, subd. 2 shall have the powers granted under Minn. Stat. Sec. 462.357, subd. 6, as they may be amended from time to time.

SECTION 2. VARIANCES

SUBD. 1. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

SUBD. 2.

A. Variances shall only be permitted

- (i) when they are in harmony with the general purposes and intent of the ordinance and
- (ii) when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 3. "Practical difficulties," as used in connection with the granting of a variance, means that

- (i) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (ii) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (iii) the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

SUBD. 4. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The

board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

SECTION 3. EFFECTIVE DATE

SUBD. 1. This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Mosquito Heights on this 31st day of May 2011.

Approved:

Mayor

Attested:

City Clerk

This sample is provided as general information and is not a substitute for legal advice.
Consult your city attorney for specific advice on how to tailor to your city's needs.

Attachment II. Sample Variance Application

**CITY OF MOSQUITO HEIGHTS
VARIANCE APPLICATION**

A. Applicant's Name: _____ Telephone
Home: _____
Work/Cell: _____

B. Address (Street, City, State, ZIP):

C. Property Owner's Name (If different from above): _____ Telephone
Home: _____
Work/Cell: _____

D. Location of Project:

E. Legal Description:

F. Description of Proposed Project:

G. Specify the section of the ordinance from which a variance is sought:

H. Explain how you wish to vary from the applicable provisions of the ordinance:

I. Please attach a site plan or accurate survey as may be required by ordinance.

J. Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?
Yes () No () Why or why not?

2. In your opinion, is the variance consistent with the comprehensive plan?
Yes () No () Why or why not?

3. In your opinion, does the proposal put property to use in a reasonable manner?
Yes () No () Why or why not?

4. In your opinion, are there circumstances unique to the property?
Yes () No () Why or why not?

5. In your opinion, will the variance maintain the essential character of the locality?
Yes () No () Why or why not?

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant's Signature:

Date:

Fee Owner's Signature:

Date

This sample is provided as general information and is not a substitute for legal advice.
Consult your city attorney for specific advice on how to tailor to your city's needs.

Attachment III. Sample Findings of Fact Template

**CITY OF MOSQUITO HEIGHTS
MOSQUITO COUNTY, MINNESOTA
RESOLUTION NO. 11-XX**

**RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR
(APPROVAL/DENIAL) FOR VARIANCE APPLICATION OF (APPLICANT) AT
(ADDRESS)**

FACTS

1. (Applicant) is the owner of a parcel of land located at (Address), Mosquito Heights, Minnesota; and,
2. The subject property is legally described as found on Exhibit A; and,
3. (Applicant) has applied to the City for a variance to build (Proposed Project) as described on Exhibit B
4. The proposal would vary from (Ordinance Requirement) in that it would (Deviation Sought).
5. Following a public hearing on the application, the Mosquito Heights Planning Commission has recommended (approval/denial) of the variance on (date).
6. The City Council of the City of Mosquito Heights reviewed the requested variance at its Meeting of June 9, 2011.
7. (Provide more facts about the project as necessary and relevant).

APPLICABLE LAW

8. Minnesota Statute Section 462.357, subd. 6 provides:
 - a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
 - b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

9. City Ordinance allows variances if (Cite to relevant City variance standard, if applicable)
10. City Ordinance requires (cite to applicable ordinances, including that being varied from).

CONCLUSIONS OF LAW

11. The requested variance (is/is not) in harmony with the purposes and intent of the ordinance because . . .
12. The requested variance (is/is not) consistent with the comprehensive plan because . . .
13. The property owner (does/does not) propose to use the property in a reasonable manner because . . .
14. There (are/are not) unique circumstances to the property not created by the landowner because . . .
15. The variance (will/will not) maintain the essential character of the locality because . . .

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mosquito Heights, Minnesota, that the application to issue a variance to allow (Applicant) to build (Proposed Project) so as to deviate from (Ordinance Requirement) is hereby (Approved/Denied).

Adopted by the City Council of Mosquito Heights on this 9th day of June 2011.

Approved:

Mayor

Attested:

City Clerk

This sample is provided as general information and is not a substitute for legal advice.
Consult your city attorney for specific advice on how to tailor to your city's needs.