**Resolution Adopting Findings of Fact, LMC Model Resolution**

*League staff thoughtfully develops models for a city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background on this model may be found in League information on* [*“Land Use Variances.”*](https://www.lmc.org/resources/land-use-variances/)

**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR** \_\_\_\_\_ **FOR VARIANCE APPLICATION OF** \_\_\_\_\_ **AT** \_\_\_\_\_

*Insert either “approval” or “denial” in the first blank. Insert the applicant’s name and address in the second and third blanks.*

**FACTS**

1. \_\_\_\_\_is the owner of a parcel of land located at \_\_\_\_\_; and,

*Insert the applicant’s name in the first blank, and the address including city and state in the second blank.*

1. The subject property is legally described as found on Exhibit A; and,
2. \_\_\_\_\_ has applied to the City for a variance to build\_\_\_\_\_ as described on Exhibit B

*Insert the applicant’s name in the first blank and the proposed project in the second blank*.

1. The proposal would vary from (Ordinance Requirement) in that it would (Deviation Sought).

*Insert the ordinance requirement in the first blank and the deviation sought in the second blank*.

1. Following a public hearing on the application, the \_\_\_\_\_ Planning Commission has recommended (approval/denial) of the variance on (date).

*Insert the city’s name in the first blank; either “approval” or “denial” in the second blank and the date of the Commission’s action in the last blank*.

1. The City Council of the City of \_\_\_\_\_ reviewed the requested variance at its Meeting of \_\_\_\_\_.

*Insert the city’s name in the first blank and the month, day and year of the council meeting in the next blank.*

*Add more facts about the project using additional numbers as may be necessary and relevant.*

**APPLICABLE LAW**

1. Minnesota Statute Section 462.357, subd. 6 provides:
	1. 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.
	2. 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.
2. City Ordinance allows variances if \_\_\_\_\_

*Cite to relevant city variance standard, if applicable*.

1. City Ordinance requires \_\_\_\_\_

*Cite to applicable ordinances, including that being varied from.*

**CONCLUSIONS OF LAW**

1. **The requested variance \_\_\_\_\_ in harmony with the purposes and intent of the ordinance because \_\_\_\_\_

*Insert either “is” or “is not” in the first blank, and your reasons in the second blank.*

1. The requested variance \_\_\_\_\_ consistent with the comprehensive plan because \_\_\_\_\_

*Insert either “is” or “is not” in the first blank, and your reasons in the second blank.*

1. The property owner \_\_\_\_\_ propose to use the property in a reasonable manner because \_\_\_\_\_.

*Insert either “does” or “does not” in the first blank, and your reasons in the second blank.*

1. There \_\_\_\_\_ unique circumstances to the property not created by the landowner because \_\_\_\_\_.

*Insert either “are” or “are not” in the first blank, and your reasons in the second blank.*

1. The variance \_\_\_\_\_ maintain the essential character of the locality because \_\_\_\_\_.

*Insert either “will” or “will not” in the first blank, and your reasons in the second blank.*

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, MINNESOTA AS FOLLOWS:

The application to issue a variance to allow \_\_\_\_\_\_\_to build \_\_\_\_\_\_\_ so as to deviate from \_\_\_\_\_\_\_ is hereby \_\_\_\_\_\_\_.

*Insert the applicant’s name in the first blank, the proposed project in the second blank, the ordinance requirement in the third blank, and either “approved” or “denied” in the last blank.*

Passed by the City Council of \_\_\_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk