



Variance Application

Subsurface Sewage Treatment System

Site information

Site address: _____ Parcel No: _____
Legal description: _____

Applicant (property owner)

Owner name(s): _____
Owner mailing address (if different from above): _____
Owner phone No: _____ Email (optional): _____
List below the names, addresses and phone numbers of all other persons having a legal interest in the property:

Hired sewage system business

SSTS business name: _____ MPCA license No: _____
SSTS business address: _____ Phone No: _____
Contact person: _____ Email (optional): _____

Variance request

Length of time for which variance is requested: _____
Specific chapter provision(s) from which variance is requested: _____

Exhibits

(check exhibits that are attached — submit one copy of property owner list and ten copies of all other exhibits)

- Names and addresses of all property owners within 350 feet of the affected property
- Statement explaining the reasons why compliance with the provision(s) is difficult or inappropriate
- List of alternative measures to be taken to ensure a comparable degree of compliance with intent of applicable provisions
- Site plan showing all pertinent dimensions, buildings, structures, and significant natural features influencing the variance
- Copies of any required city, county, state, or federal permits or variances (list): _____
- Development plans and specifications _____
- Cost considerations _____
- Other relevant information (describe exhibit): _____

Attest and consent

I hereby attest that all of the information contained in this application is true and accurate to the best of my knowledge and understanding. In addition, the undersigned owner grants permission to members of city staff to enter the subject property (excluding any residence or other private building) at any reasonable time for the purposes of investigating the site and gathering information that is pertinent to this request.

Property owner name (print): _____

Property owner's signature: _____ Date: _____

OFFICE USE ONLY

Accepted as complete by: _____	Application fee: _____
Date accepted as complete: _____	Account code: ASV _____
60 day deadline: _____	Receipt number: _____
Public notice date: _____	Receipt date: _____
City council date: _____	Action taken: _____

Instructions

Ten copies of each of the listed exhibits must accompany the completed application. Except only one copy of the list of neighboring property owners need be provided. Contact the Inspections Department to find out if any other relevant information is needed to properly evaluate the variance request. Exhibits must not be on sheets larger than 11" by 17". It is recommended that the property owner hire a licensed subsurface sewage treatment system (SSTS) business to assist in preparing the application and exhibits. If a SSTS business is not involved, then on the application write "NONE" in the blank following "SSTS business name." Incomplete applications or applications submitted without the requisite application fee will be returned without action to the applicant. Attach additional sheet(s) if more space is needed to answer any query. A summary of selected variance regulations follows below. Refer to Inver Grove Heights Code, §8-5-10.00 through §8-5-10.03 for the complete and actual text of the variance provisions.

Procedure. Upon receipt of the completed variance application and fees, the department will decide if it is necessary to conduct an investigation of the site. Once the necessary information has been gathered, the department will make a written recommendation to the city council. Thereafter, the city council will act on the variance and either approve or deny the request within the time limit established by Minnesota Statute 15.99. A notice will be mailed to the applicant (property owner) at least 10 days before the council meeting at which the variance request will be considered.

Allowed variances. The city council may grant, on a site-by-site basis, a variance upon such conditions as it may prescribe consistent with the general purposes of IGH code, title 8, chapter 5, and the intent of this and all other applicable state and local regulations in any case where it appears by the reason of exceptional circumstances the strict enforcement of any provision of the standards would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances in order to promote the effective and reasonable application and enforcement of the provisions. Except that the city council may not grant a variance from the standards listed in IGH code, section 8-5-10.02 or in Minnesota Rules, 7082.0300 subpart 2.

Prohibited variation. The city council may not grant variances from the following standards:

1. These general technical requirements for all systems: all treatment and dispersal methods must be designed to conform to all applicable federal, state, and local regulations [Minn. R. 7080.2150 subpart 2(A)]; treatment and dispersal processes must prevent sewage or sewage effluent contact with humans, insects, or vermin [Minn. R. 7080.2150 subpart 2(B)]; treatment and dispersal of sewage or sewage effluent must be in a safe manner that adequately protects from physical injury or harm [Minn. R. 7080.2150 subpart 2(C)]; and an unsaturated zone in the soil must be maintained between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock during loading of effluent [Minn. R. 7080.2150 subpart 2(D)].
2. These performance and conformance criteria for mid-sized sewage treatment systems (MSTS): Minnesota Rules 7081.0080, subparts 2 to 5, however, variances may be granted to Minnesota Rules, 7081.0080, subpart 4(D)(1) for the replacement of MSTS serving existing dwellings or other establishments.
3. Flow determinations under Minnesota Rules, part 7081.0110, if the deviation reduces the average daily flow from more than 10,000 gallons per day to 10,000 gallons per day or less.
4. The state plumbing code, chapter 4715; state well code, chapter 4725; public water supply rules, chapter 4720; and state shoreland rules, chapter 6120 (for example, those standards pertaining to building sewer design, wellhead protection areas, and setback distances to wells, lakes and rivers).

Factors required for approval. The variance may be granted provided that:

1. The conditions causing the demonstrated hardship are unique to the property and were not caused by the action of the applicant.
2. The granting of the variance will not be contrary to the public interest or damaging to the rights of other person or to property values in the vicinity.
3. The property owner would have no reasonable use of the land without the variance.
4. The granting of the variance would not allow a prohibited use.
5. The granting of the variance would be in accordance with Minnesota Rules, chapters 7080, 7081, and 7082.

Conditions. The city council may impose conditions in granting the variance to ensure compliance and to protect the public health, safety, or welfare.

Violations. Each violation of any condition set forth in the variance shall be a separate violation subject to enforcement and shall be sufficient grounds for terminating the variance.

Denial of variance. No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six months from the date of said denial, except on the grounds of relevant new evidence or proof of significant change of conditions.

Appeal. Any person aggrieved by the decision of the city council may appeal the decision to any court with appropriate jurisdiction.