

ORDINANCE 312  
CITY OF PRESTON MINNESOTA

AN AMENDMENT TO ORDINANCE NO. 221 ADOPTED ON NOVEMBER 6, 1995  
AND TITLED "ZONING ORDINANCE"

The City Council of the City of Preston hereby amends and replaces that portion of Ordinance 221 codified as § 155.282 with the following:

**§ 155.282 APPEAL FOR VARIANCE.**

Application for any adjustment permissible under the practical difficulties provision in §155.281(E) shall be made to the Zoning Administrator in the form of a written application for a permit to use the land or building or both, as set forth in the application. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or other buildings in other districts shall be considered ground for the issuance of a variance.

The application shall present a statement and adequate evidence showing the following.

(a)The board of adjustment, consistent with the authority granted by law, may grant a property owner a variance from compliance with the literal provisions of this chapter in an instance where strict enforcement would cause practical difficulties to the individual property owner and when it can be demonstrated that such action will be in keeping with the spirit and intent of this chapter.

(b)The term "practical difficulties" means that the:

(1) Property owner proposes to use the property in a reasonable manner that is not otherwise permitted; and

(2) The plight of the property owner is due to circumstances unique to the property, not created by the property owner; and

(3) The variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. "Practical difficulties", for the purposes of this section, also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

(c) Notwithstanding a finding that practical difficulties exist, the board of adjustment may not permit as a variance any use that is not permitted under the provisions of this chapter for property in the zone where the land for which the variance is sought is located.

(d) In its consideration of a variance request the board of adjustment shall consider the following questions:

(1) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land which results in practical difficulties for the owner?

(2) Whether or not the variance requested will alter the essential character of the locality?

(3) Whether or not granting the variance requested will:

- a. Impair an adequate supply of light and air to adjacent property;
- b. Substantially increase congestion in adjacent public streets;
- c. Endanger the public safety;
- d. Substantially diminish or impair property values within the vicinity?

(4) Whether the variance requested is the minimum variance which would alleviate the practical difficulties?

(5) Whether or not the variance requested is consistent with the intent of this chapter and the city's comprehensive plan?

(6) Whether or not the variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?

(7) Whether or not the property owner proposes to use the property in a reasonable manner that is not otherwise permitted?

(e) The board of adjustment, in granting a variance, may impose additional conditions to ensure compliance with its decision and protect adjacent properties. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance.

This Ordinance shall take effect and be in force upon publication.

**ADOPTED** this 19th day of May 2025, by the City Council of the City of Preston.

**CITY OF PRESTON**

By: \_\_\_\_\_  
Kurt Reicks, Mayor

ATTEST:

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Ryan Throckmorton  
City Administrator