

CHAPTER 3  
**BOARD OF ADJUSTMENT AND APPEALS**

SECTION

- 3.01: Board Designation
- 3.02: Powers and Duties
- 3.03: Applicability
- 3.04: Procedures
- 3.05: Stay of Proceedings
- 3.06: Appeals

**3.01: BOARD DESIGNATION:** The Planning Commission shall serve as the Board of Adjustment and Appeals and shall have the duties as set forth by Minnesota Statutes.

**3.02: POWERS AND DUTIES:** The Board of Adjustment and Appeals shall have the power and duties of hearing and deciding appeals or requests on the following cases:

- A. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- B. Requests for variance from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
- C. Appeals from any action of the City Building Official in denying or granting a building permit.

**3.03: APPLICABILITY:** An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. City Staff opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

**3.04: PROCEDURES:**

- A. An appeal from the ruling of an administrative officer of the City shall be made by the property owner or their agent within thirty (30) days after the making of the order being appealed.
- B. The property owner or their agent shall file with the City a notice of appeal stating the specific grounds upon which the appeal is made.
- C. Any appeal filed shall be comprehensive and include all matters subject to question. Subsequent appeals filed by the same individual or group which are intended to cause unjustifiable delay in the decision making process shall not be accepted by the City.
- D. The filing of an appeal shall be accompanied by a fee as provided for by the City.
- E. The Board of Adjustment and Appeals shall make a Finding of Fact and its decision by resolution within sixty (60) days from the date at which the Board of Adjustment and Appeals first considered the appeal.

**3.05: STAY OF PROCEEDINGS:** An appeal stays all proceedings in furtherance of the action being appealed unless it is certified to the Board of Adjustment and Appeals, after the notice of appeal is filed,

that by reason of facts stated in the certificate a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, on notice to the City.

**3.06: APPEALS:** Any person or persons or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment and Appeals, shall have the right to seek review within thirty (30) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Section 462 as such Statute may be from time to time amended, supplemented or replaced.