

REDWOOD COUNTY ZONING ORDINANCE
SECTION 26
BOARD OF ADJUSTMENT

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SECTION 26 BOARD OF ADJUSTMENT

SUBDIVISION 1. CREATION AND MEMBERSHIP

1. A Board of Adjustment is hereby established. Such Board shall consist of three (3) members, one of which shall be a member of the County Planning Advisory Commission. No elected officer of the County or employee of the Board of County Commissioners shall be a member of the Board of Adjustment. The Board of County Commissioners shall appoint the three (3) Board members.
2. The County Zoning Administrator may act as the secretary of the Board of Adjustment.
3. The Board of Adjustment shall elect a chairman and vice-chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.
4. The meeting of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board in its rules or procedure may specify.

SUBDIVISION 2. POWERS

1. The Board of Adjustment shall have the power to grant a variance to the provisions of this Ordinance in cases where the strict application of any of the regulations or provisions contained in this Ordinance would cause unnecessary hardships or unreasonable difficulties. No variance or modification of the uses permitted within a classification of use shall be allowed, except as otherwise provided in this Ordinance
2. The Board of Adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control and it shall hear and decide appeals from the review any order, requirement, decision or determination made by an administrative official charged with enforcing this Ordinance.

SUBDIVISION 3. APPEALS AND PROCEDURE

1. Any aggrieved person, town, municipality, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance shall have the right to appeal to the Board of Adjustment.
2. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision to the district court in the county in which the land is located on questions of law and fact.

3. Application for any appeal permissible under the provisions of this Section shall be made to the Board of Adjustment in the form of a written application for a building permit or for a permit to use the property or premises as set forth in the application. Upon receipt of any application, and a filing fee, the Board of Adjustment shall set a time and place for a public hearing before the Board on such application. All property owners of record within five hundred (500) feet of the affected property shall be notified by written notice in the U.S. mails as to the time and place of the public hearing. Written notice shall also be given to the affected board of township supervisors and municipal council of any municipality within two miles of the affected property.
4. The Board of Adjustment shall make its decision upon the application within fifteen (15) days of the public hearing. In recommending any adjustment or variance under the provisions of this Section, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the Ordinance, regulation or provision to which the adjustment or variance is granted.

SUBDIVISION 4. FINDINGS

The Board of Adjustment shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require.

1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant.

SUBDIVISION 5. VARIANCES WITHIN THE FLOOD PLAINS OR SCENIC RIVERS DISTRICT

1. A copy of the request for variance within any designated flood plain, shoreland, or scenic rivers district shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to a public hearing.
2. A copy of all decisions granting any variance within the designated flood plain, shoreland, or scenic rivers district shall be forwarded to the Minnesota Department of Natural Resources within ten (10) days after such decision.

3. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance.
4. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

SUBDIVISION 6. RECORDING

1. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision, or determination by an administrative official, or a request for a variance, shall be filed with the County Recorder for record. The order issued by the Board of Adjustment shall include the legal description of the property involved.
2. The Zoning Administrator shall be responsible for recording with the County Recorder any order issued by the Board of Adjustment.
3. The Zoning Administrator shall notify the applicant for a variance that:
 - A. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - B. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.