

SECTION 26. APPEALS OF DECISION OF THE BUILDING OFFICIAL AND ZONING ADMINISTRATOR.

Subd. 1. Appeals to Planning Commission. The Planning Commission serves as the Board of Adjustment and Appeals for the City of Long Lake pursuant to Minnesota Statutes 462.351, Subd. 2. An appeal as specified in Subd. 2 below may be made by any person (appellant), including a city officer or employee, affected by action of the Building Official and Zoning Administrator. An appeal may be made only following the transmission of a written notice of appeal which specifies the subject and grounds therefor. Such notice must be received by the Building Official and Zoning Administrator within sixty (60) days following the issuance of the order, requirement, decision or determination which is the subject of the appeal.

Subd. 2. Power and Duties of Board of Adjustments and Appeals
“Pursuant to Minnesota Statutes § 462.357, Subd. 6, the Board shall have the following powers:

A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Building Official and Zoning Administrator in the administration of a land use and zoning ordinance.

B. To hear requests for variances from literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

C. The Board of Adjustment may recommend to the City Council, by four-fifths (4/5) vote of the entire Board of Adjustment to reverse, affirm, or modify any order, requirement, decision, or determination for which an appeal has been taken, provided that any decision shall be consistent with this Ordinance. Additionally, the Board of Adjustment may recommend, by four-fifths (4/5) vote of the entire Board of Adjustment to grant, deny, or grant with conditions any application for a variance, provided that any decision shall be consistent with this Ordinance. In making recommendations, the Board shall have the powers of the administrative official from whom the appeal is taken.”

Subd. 3. Procedure.

A. Hearing. On receipt of a notice of appeal, the Planning Commission shall set a date for hearing thereon which shall occur not later than sixty (60) days following the City’s receipt of the appeal. Not less than ten (10) days before the date of the hearing, notice of hearing shall be made to the appellant, be complete published in the official newspaper, and be mailed to each owner of property situated wholly or partly within three hundred fifty (350) feet of the property to which the appeal relates. Failure of the property owner to receive notice shall not invalidate the hearing or proceeding.

B. Planning Commission Recommendation. The city council shall make no decision on an appeal until the Planning Commission has had a reasonable opportunity, not to exceed sixty (60) days, to review and make recommendations to the city council upon the appeal. Within a reasonable time after the hearing, the Planning Commission shall make its recommendation on the matter which shall be transmitted to the city council for decision. The recommendation of the Planning Commission shall be in accordance with the Ordinance.

C. Council Action. On receipt of the report of the Planning Commission, the Council shall review the recommendations of the Planning Commission where it is alleged that there is an error of any order, requirement, decision or determination made by the Building Official and Zoning Administrator and the administration of the land use ordinance. The city reverse, or modify any order, requirement, decision, or determination for which an appeal has been taken by four-fifths (4/5) vote of the entire council provided that any decision shall be consistent with the provisions of this Ordinance.