

SECTION 1005 – ADMINISTRATION – APPEALS FROM THE BOARD OF ADJUSTMENT AND APPEALS

1005.01 **PURPOSE.** Any person or persons, any private or public board, or taxpayer 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 in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462 as such statute may from time to time amended, supplemented or replaced..

1005.02 **GENERAL PROVISIONS AND STANDARDS.**

Subd. 1. **Applicability.** An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. Opinions and evaluations as it pertains to the impact or result of a request are not subject to the appeal procedure.

Subd. 2. **Filing.** 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 appealed from.

Subd. 3. **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.

Subd. 4. **Procedure.** The procedure for making such an appeal shall be as follows:

- a. 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. Said application shall be accompanied by a fee as established by City Council resolution.
- b. The Board of Adjustment and Appeals shall make its decision by resolution within sixty (60) days.

Subd. 5. **Appeals from the Board of Adjustment and Appeals.** Any person or persons, any private or public board, or taxpayer 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 in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462 as such statute may be from time to time amended, supplemented or replaced.