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ORDINANCE NO. 1

183411



AN ORDINANCE AMENDING THE ST. CLOUD MUNICIPAL AIRPORT ZONING ORDINANCE OF THE CITY OF ST. CLOUD BY GIVING THE COMMISSIONER OF TRANSPORTATION THE AUTHORITY TO REVIEW A VARIANCE APPLICATION WHERE THE BOARD OF ADJUSTMENT HAS FAILED TO ACT; BY ESTABLISHING THAT ANY PERSON SEEKING A VARIANCE IS TO SUBMIT AN APPLICATION BY CERTIFIED MAIL TO THE MEMBERS OF THE BOARD OF ADJUSTMENT AND BY ESTABLISHING A TIME IN WHICH THE BOARD MUST ACT ON A VARIANCE; AND BY ESTABLISHING THAT ANY AGGRIEVED PERSON MAY APPEAL TO THE DISTRICT COURT ANY ACTION OF THE TRANSPORTATION COMMISSIONER

THE JOINT AIRPORT ZONING BOARD OF THE CITY OF ST. CLOUD, COUNTIES OF BENTON, SHERBURNE AND STEARNS COUNTIES, HEREBY ORDAINS:

Section 1. That Section XIV of the St. Cloud Municipal Airport Zoning Ordinance is hereby amended to read as follows:

Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustments or of any action of the State Commissioner of Transportation or any governing body of a municipality or county, or any joint airport zoning board, which is of the opinion that a decision of a board of adjustment or action of the Commissioner of Transportation is illegal may present to the district court of Sherburne County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the Office of the Board of Adjustments or the action taken by the Commissioner of Transportation. The petitioner must exhaust the remedies provided in this ordinance before availing himself to the right to petition a court as provided by this section.

Section 2. That Section XIII, Subsection B, of the St. Cloud Municipal Airport Zoning Ordinance is hereby amended to read as follows:

All appeals hereunder must be commenced within 30 days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by an decision of the Zoning Administrator made in his administration of this ordinance who desires to appeal such decision shall submit an application for a variance by certified mail to

the members of the Board of Adjustment in the matter set forth in Minnesota Statutes 360.067, Subdivision 2.

Section 7. That Section IX of the St. Cloud Municipal Airport Zoning Ordinance be hereby amended to read as follows:

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this ordinance may apply to the Board of Adjustment, hereinafter provided for, for a variance from such regulations. If a person submits an application for a variance by certified mail to the members of the Board of Adjustment and the Board fails to grant or deny the variance within four months after the last member receives application, the variance shall be deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the Commissioner of Transportation by certified mail that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective 60 days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Section 360.067, Subdivision 6. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance, provided any variance so allowed may be subject to any reasonable conditions that the Board of Adjustments may deem necessary to effectuate the purposes of this ordinance.

1977

Passed and adopted after public hearing by the City of St. Cloud and Benton, Sherburne and Stearns Counties Joint Airport Zoning Board this 5th day of October, 1977.

Louis J. Stearns
Chairman

Jack Wams
Member

Member

Jaigh Ruboff
Member

Jack D. Horton
Member

Roy ...
Member

Robert A. ...
Member

Member

Member

11th October
...

183411

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OFFICE OF COUNTY RECORDS
STATE OF MINNESOTA
COUNTY OF SHELBURN

Handwritten signatures and initials

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STATE OF MINNESOTA
COUNTY OF SHELBURN

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COUNTY OF SHELBURN
DAN BAILEY COUNTY RECORDER
DROUY

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