

City of Lake Elmo  
Washington County, Minnesota

Ordinance 97- 94

**An Ordinance Relating to the Lake Elmo Municipal Code**

The Lake Elmo City Council ordains that Section 300.06, Subdivision 3 of the Lake Elmo Municipal Code is hereby repealed.

The Lake Elmo City Council further ordains that Section 200.01 Subdivision 11 is hereby added to the Lake Elmo Municipal Code to read as follows, to wit:

**Section 200.01**

**Subd. 11. Board of Adjustment and Appeals.**

- A. Establishment of Board of Adjustment and Appeals.** The Council is established as the Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall have the following powers with respect to this section:
1. The exclusive power to hear and decide appeals where it is alleged that there is an error in any decision, order, requirement, or determination made by an administrative officer in the enforcement of the zoning ordinance.
  2. The appeal shall be filed within five (5) days from the date that the decision, order, requirement, or determination is made and shall state:
    - a. The particular decision, order, requirement, or determination from which the appeal is taken.
    - b. The name and address of the appellant.
    - c. The grounds for the appeal.
    - d. The relief requested by the appellant.
- B. Effect of Appeal:** An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment and Appeals, to whom the appeal is taken certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.

**C. Authority of the Board of Adjustment and Appeals.** The Board of Adjustment and Review may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that extent shall have all the powers of the officer from whom the appeal was taken, and may direct the issuance of a permit.

**D. Hearing Procedures.**

1. The Zoning Administrator shall, upon the filing of a notice of appeal, refer the matter to the Board of Adjustment and Appeals and establish a time for the hearing of the matter by the Board.
2. The Zoning Administrator shall notify the appellant or applicant, the chairperson of the Planning Commission, the building official, the abutting property owner, and in the case of an appeal, the officer from whom the appeal is taken, of the time and place of the hearing. The notice shall be in writing and shall be served on the person by mail, provided the notice shall be mailed at least ten (10) days preceding the date of the hearing.

**D. Record of Findings.**

1. The Board of Adjustment and Appeals shall make written findings in any case of an appeal and shall state in the findings the reasons for its decision. The order issued by the Board of Adjustment and Appeals shall include the legal description of the land involved. Any such order shall be filed with the Zoning Administrator who shall immediately mail a copy of the order, bearing the notation of the filing date, to the appellant or applicant.
2. A certified copy of any order issued by the Board of Adjustment and Appeals acting upon any appeal from an decision, order, requirement, or determination of an administrative officer, may be filed with the County Recorder or Registrar of Titles for recording. The filing may be made by the Zoning Administrator as soon as is reasonably possible after the filing of the order with the Zoning Administrator.

**F. Decision, Appeals.**

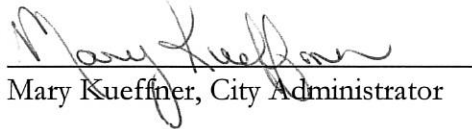
1. All decisions of the Board of Adjustment and Appeals acting upon an appeal from an order, requirement, decision, or determination by an administrative officer or upon an application for a variance shall be final except that any aggrieved person may have any decision or order of the board reviewed for an appropriate remedy in district court as provided by law.

**Section 3. Effective Date:** This ordinance shall become effective upon its passage and publication according to law.



Lee Hunt, Mayor

Attest:



Mary Kueffner, City Administrator

Adopted by the Lake Elmo City Council the 7<sup>th</sup> day of November, 2001

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