

APPLICATION TO APPEAL A ZONING BOARD OF APPEALS **DECISION TO THE CITY COUNCIL**

Appeal of Zoning Board of Appeals Decision: The applicant, Mayor or Planning Commission may file an appeal to the City Council from any decision of the Zoning Board of Appeals (ZBA). Additionally, the City Council may, within ten (10) days of the Board's determination, choose to review a decision of the ZBA upon a simple majority vote.

Application Deadline & Completeness: The appeal application and fee must be submitted to the City Clerk's Office within ten (10) days from the date of the ZBA's decision.

City Council Meetings: At the next regularly scheduled City Council meeting, a copy of this application, together with the 'public record', which consists of all information provided to the ZBA, and a copy of the minutes from the public hearing held by the ZBA, will be provided to City Council members. After reviewing the 'public record', the City Council will vote to either affirm the decision of the ZBA or to set a public hearing date to consider overruling the decision of the ZBA. A simple majority is needed to set the public hearing.

If City Council affirms the decision of the ZBA, the appeal process ends.

If City Council believes the ZBA possibly made an error in their decision, they will set a date for a public hearing.

City Council Public Hearing: City Council will be provided a copy of the 'public record' and can accept additional testimony during the public hearing. City Council has the option of overturning the ZBA's decision if they find one or both of the following:

1. The determination is not clearly supported by the text of the appropriate section(s) of the Land Development Code
2. The determination is contrary to the intent of the Land Development Code and Comprehensive Plan

A super-majority vote of the Council is required to overturn a decision of the ZBA.

Public Notification:

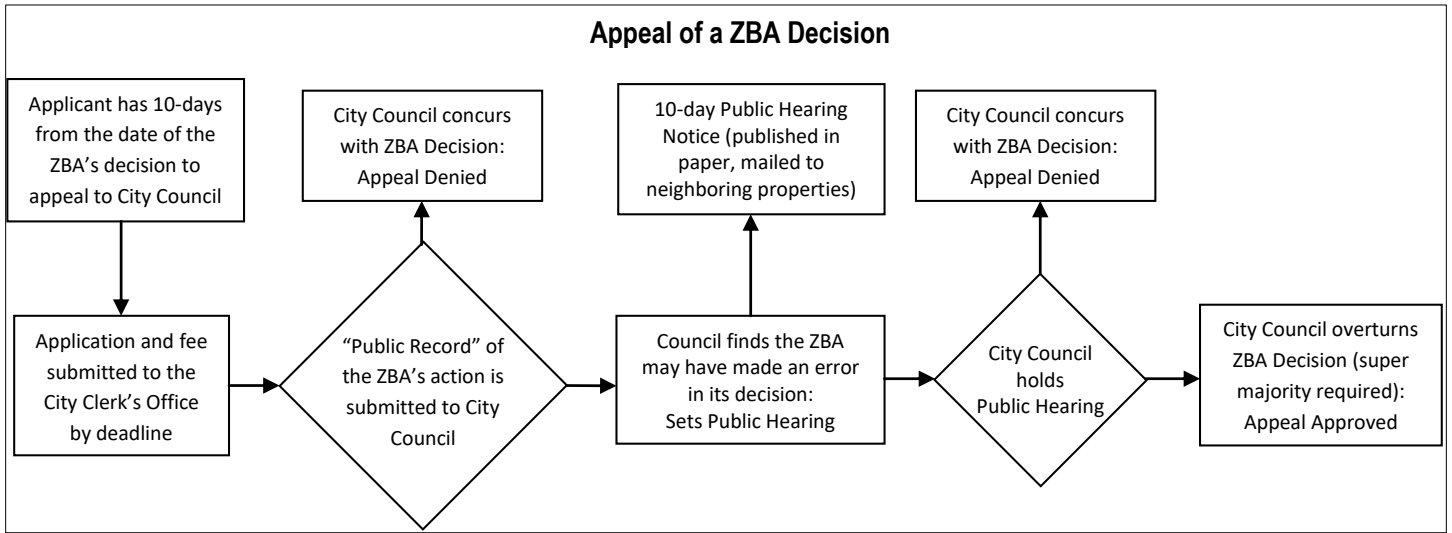
Public Notice Sign: The St. Cloud Land Development Code requires the Planning and Zoning Department to provide the applicant a public notice sign to post on a property that will be subject to a future land use action. The sign must be placed in a visible location on the subject property at least ten (10) days prior to the date of the public hearing to be conducted by City Council. The sign must be removed by the applicant within 48 hours after the City Council public hearing and returned to the Planning Office. Failure to post the sign may result in delay of permit processing and postponement of public hearing.

Mailed Notification: The St. Cloud Land Development Code requires written notice of the appeal be mailed at least ten (10) days prior to the public hearing date. Notice of the public hearing is sent by the Planning and Zoning Department to all property owners located within five hundred (500) lineal feet of or the nearest twenty (20) property owners to the subject property (whichever is greater).

Published Notification: The St. Cloud Land Development Code requires that a minimum of ten (10) days prior to the public hearing date, the Planning and Zoning Department have notice of the public hearing before the City Council published in the legal section of the St. Cloud Times.

Withdrawal and Refund Policy:

- All withdrawal requests must be submitted by the applicant to the Planning Department in writing.
- Refund of the application may be possible if the withdrawal request occurs prior to the public hearing. The amount of the refund will depend on where the application is in the review process.



Note to Applicant: Please be aware that any written information you provide with your application or at a public hearing, including pictures, becomes the property of the City. All comments made at all meetings of the Planning Commission, Zoning Board of Appeals and City Council becomes part of the public record.

Virtually all Planning Commission, Zoning Board of Appeals and City Council meetings are broadcast live on cable Channel 19 in St. Cloud and rebroadcast at later dates.

Questions / Submit Completed Application To:
 Planning & Zoning Department
 1201 7th Street South
 St. Cloud, MN 56301
 Phone: (320) 255-7218 Email: planner@ci.stcloud.mn.us
 Website: www.ci.stcloud.mn.us

The City of St. Cloud's mission is to "provide high quality public services for our residents in a cost effective, responsive, innovative and professional manner given the changing needs and resources available."

