

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.

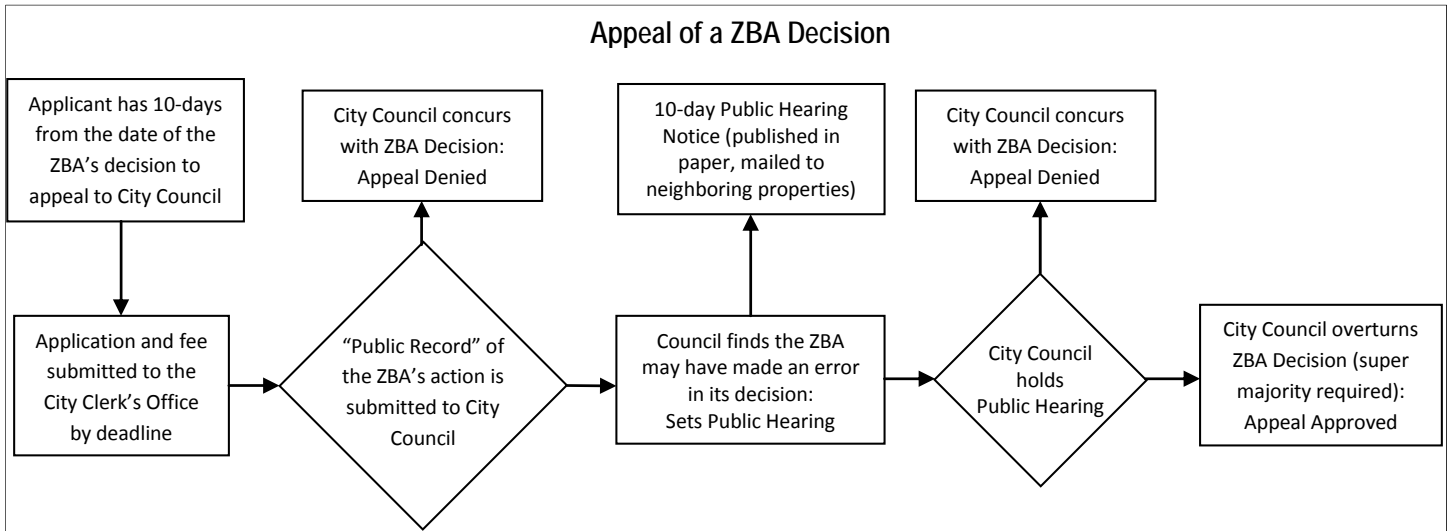
Mailed Notification: The St. Cloud Land Development Code requires written notice of the appeal be mailed at least ten (10) days prior to the public hearing date. Notice of the public hearing is sent by the Planning and Zoning Department to all property owners located within five hundred (500) lineal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

Appeal of a ZBA Decision



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
 400 2nd Street South
 St. Cloud, MN 56301

Phone: (320) 255-7218 Email: planner@ci.stcloud.mn.us
 Fax: (320) 255-7258 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."

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DECISION TO THE CITY COUNCIL**

REQUIRED APPLICATION INFORMATION

APPLICANT INFORMATION:

Name(s): _____

Address, City, State, and Zip Code: _____

Phone Number(s): _____ E-mail Address: _____

PROPERTY OWNER INFORMATION:

Name(s): _____

Address, City, State, and Zip Code: _____

Phone Number(s): _____ E-mail Address: _____

Street Address of Subject Property _____

Applicant's Interest in Subject Property: Contractual (Attach Evidence) Freehold

Total Area (Acres or Square Feet) of Subject Property _____

Complete Legal Description of Subject Property:

1. State exactly why the Zoning Board of Appeals' decision is being appealed:

2. Do you wish to present new information? Yes No
 If yes, why wasn't this information available to the Zoning Board of Appeals at the time of the initial hearing?

I HEREBY CERTIFY THAT I HAVE READ, EXAMINED AND UNDERSTAND THIS APPLICATION AND THAT THE INFORMATION SUBMITTED HEREIN AND ATTACHED HERETO IS TRUE, ACCURATE AND CORRECTLY STATES MY INTENTIONS.

Applicant Signature(s) _____ Print Name _____ Date _____

Property Owner Signature(s) _____ Print Name _____ Date _____

City Clerk's Signature(s) _____ Print Name _____ Date _____