

## **APPLICATION TO APPEAL A ZONING ADMINISTRATOR DECISION**

**Appeal of Zoning Administrator Decision:** A person has standing to file an appeal any decision of the Zoning Administrator to the Zoning Board of Appeals (ZBA) if the person has a specific personal and legal interest in the subject of the appeal.

**Application Deadline & Completeness:** The appeal application and fee must be submitted within ten (10) days from the date of the Zoning Administrator's decision. The applicant must provide evidence that demonstrates a unique and unusual adverse effect the decision has or will have on the reasonable use, enjoyment and value of the applicant's property.

**Zoning Board of Appeals Meetings:** After receipt of the complete application, the Zoning Administrator will schedule the application for a public hearing before the ZBA.

**Zoning Board of Appeals Public Hearing:** The ZBA will hold a public hearing and make its determination within fourteen (14) days of the close of the public hearing. A copy of the determination will be mailed to the applicant, the applicant's representative and the Mayor. The ZBA may reverse or affirm the decision of the Zoning Administrator wholly or in part or modify the order, requirement, decision or determination of the Zoning Administrator.

The ZBA must provide a record of its proceedings, which includes the minutes of the meeting, its findings and the action taken on each matter heard.

**Findings of Fact:** No determination of the Zoning Administrator may be overturned unless the ZBA finds 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

### **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 the ZBA. The sign must be removed by the applicant within 48 hours after the ZBA 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.

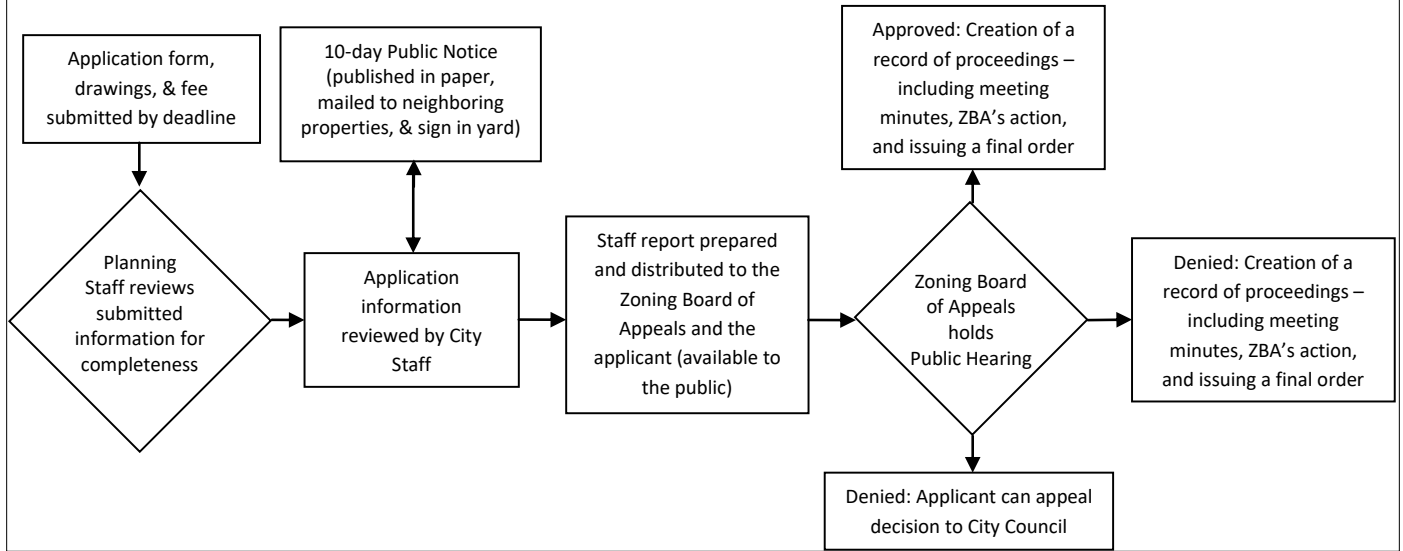
**Mailed Notification:** The St. Cloud Land Development code requires written notice of the appeal be mailed at least ten (10) days prior to the public hearing date. Notice of the public hearing is sent by the Planning and Zoning Department to all property owners located within five hundred (500) lineal 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 ZBA 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 the Zoning Administrator's 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  
 1201 7<sup>th</sup> Street South  
 St. Cloud, MN 56301

Phone: (320) 255-7218 Email: [planner@ci.stcloud.mn.us](mailto:planner@ci.stcloud.mn.us)  
 Website: [www.ci.stcloud.mn.us](http://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."

**PLEASE KEEP THIS MATERIAL FOR YOUR INFORMATION**

**APPLICATION TO APPEAL A ZONING ADMINISTRATOR DECISION**

**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:**

\_\_\_\_\_

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**1. State exactly what is intended to be done on or with the property which conflicts with the Zoning Administrator's order, requirement, decision or determination.**

\_\_\_\_\_

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**2. Identify how the Zoning Administrator's decision is not clearly supported by the text of the appropriate sections of the Land Development Code and/or how the Zoning Administrator's decision is contrary to the intent of the Land Development Code or Comprehensive Plan.**

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**3. What unique and unusual adverse effect does the Zoning Administrator's decision have or will it have on the reasonable use, enjoyment and value of the property?**

\_\_\_\_\_

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 \_\_\_\_\_

# ZONING BOARD OF APPEALS

## 2024 Schedule of Meetings

<b>Meeting Date</b> (meetings begin at 6:00 p.m.)	<b>Submittal Deadline</b> (all materials must be submitted by 4:30 p.m. unless otherwise denoted)
Tuesday, January 16	<b>Friday, December 29, 2023</b>
Tuesday, February 20	Friday, February 2
Tuesday, March 19	Friday, March 1
Tuesday, April 16	Friday, March 29
Tuesday, May 21	Friday, May 3
Tuesday, June 18	Friday, May 31
Tuesday, July 16	Friday, June 28
Tuesday, August 20	Friday, August 2
Tuesday, September 17	Friday, August 30
Tuesday, October 15	Friday, September 27
Tuesday, November 19	Friday, November 1
Tuesday, December 17	<b>Monday, December 2</b>