

**ALEXANDRIA TOWNSHIP
DOUGLAS COUNTY MINNESOTA**

**ORDINANCE #108
An Ordinance Establishing a Board of Adjustment and Appeals**

The Alexandria Township Board of Supervisors hereby ordains:

Section 1. Authority. A Board of Adjustment of Appeals is hereby established pursuant to Minnesota Statutes 462.354.

Section 2. Membership. The Town Board shall act as the Board of Adjustment and Appeals.

Section 3. Powers. The Board of Adjustment and Appeals shall have the power to hear and decide requests in the following cases:

Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of a zoning ordinance.

Interpretation. Interpret the boundary lines between zoning districts when such questions arise and interpret the provisions of these Ordinances in such a way as to carry out the intent and purpose of these Ordinances.

Variations. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Section 4. Organization.

Compensation. The members of the Board of Adjustment and Appeals shall serve without compensation, but may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.

A. General. The Board of Adjustment and Appeals shall elect a chairman and vice-chairman from among its members, and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business, and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings that shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order. The meetings of the Board of Adjustment and Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

B. Meetings. Meetings of the Board of Adjustment and Appeals shall be held within such time and upon such notice to interested parties, as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter, and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

C. Voting/Conflict of Interest. Each member, including the chairman, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend into discussion. Testimony, however, may be offered. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Board of Adjustment shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to this ordinance. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Board shall decide the question pursuant to this ordinance.

Section 5. Effective Date. This ordinance will take effect and be in force after its passage and official publication.

Passed by the Board of Supervisors this _____ day of _____, 2006.

Chairman

Supervisor

Supervisor

Supervisor

Supervisor

Attest:

Alexandria Township Clerk