

SECTION 7: BOARD OF ADJUSTMENT

Subdivision 1. Creation and Membership.

1. The Cottonwood County Board of Adjustment is hereby established. Said Board shall consist of five (5) regular members and two (2) alternate members.
 - A. At least one regular member shall be a member of the County Planning Commission.
 - B. One (1) regular member shall be a resident of the incorporated area of the County.
 - C. No elected officer of the County or employee of the Board of County Commissioners shall be a member of the Board of Adjustment.
2. The members shall be appointed by the Board of County Commissioners. The term of appointment shall be indefinite and shall terminate at the pleasure of the Board of County Commissioners.
3. The Board of Adjustment shall elect a Chairman, Vice-Chairman, and Secretary from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.
4. The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board in its rules or procedure may specify.
5. Any question on 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 Board members, except the member who is being challenged.
6. The members of the Board may be paid compensation in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Board and in conducting business of the Board.

Subdivision 2. Powers.

1. The Board of Adjustment shall have exclusive power to order the issuance of a variance to the provisions of this Ordinance, including restrictions placed on non-conformities.
2. The Board of Adjustment shall have the authority to hear and decide appeals from, and review any order, requirement, decision or determination made by any administrative official charged with enforcing this Ordinance.
3. The Board of Adjustment shall carry out such additional duties as the County Board may order and direct.

Subdivision 3. Decisions.

1. The Board of Adjustment shall make its decision upon all applications for variances and appeals within fifteen (15) days of the conclusion of the public hearing.
2. The Board of Adjustment shall make its decision upon all applications within sixty (60) days of a complete application as provided for in MN Statutes Chapter 15, Section 15.99.

The Board of Adjustment may extend the time limit before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

2. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
3. The reasons for a decision by the Board of Adjustment shall be stated at the time of denial. A written statement of reasons for the denial must also be provided to the applicant before the expiration of the time allowed for a decision and must be consistent with the reasons stated at the time of the decision.
4. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
5. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.
6. A certified copy of any order issued by the Board of Adjustment acting upon an appeal or a request for a variance shall be filed by the County Zoning Administrator with the County Recorder for record.
7. All decisions by the Board of Adjustment in granting variances or in hearing appeals shall be final except that any aggrieved person or persons or any department, Board of commission of the Jurisdiction or of the State shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.