

CHAPTER 340—S. F. No. 1151

An act authorizing the governing body of all cities of the State of Minnesota now or hereafter having 50,000 inhabitants or over and now or hereafter having adopted regulations governing the location, size and use of buildings pursuant to the provisions of Chapter 217, Laws of Minnesota for 1921, as amended, (by Chapter 364, of the Laws of Minnesota for 1923, and as amended by Chapter 284, of the Laws of Minnesota for 1925), to establish and provide for a board of adjustment; to provide the method of procedure, and for other purposes.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Grant of Power.—In order to provide for the proper and reasonable enforcement of regulations adopted pursuant to Chapter 217, Laws of Minnesota, for 1921, governing the location, size and use of buildings, and to provide for such reasonable determinations of such regulations as will eliminate practical difficulties in the enforcement of such regulations and to provide for such reasonable variations in the terms of such regulations as will eliminate unnecessary hardship in the way of carrying out the strict letter of such regulations, the local governing body is hereby empowered to appoint a board of adjustment.

Sec. 2. Board of adjustment.—Such a local governing body may provide for the appointment of a board of adjustment, and in conformity with the provisions of this act may provide that the said board of adjustment may determine and vary the application of regulations adopted pursuant to the provisions of Chapter 217, Laws of Minnesota for 1921, as amended, in harmony with their general purpose and intent, and the local governing body may provide by ordinance for the enactment of general or specific rules governing the determination and variation of such regulations.

Where an officially established city planning commission already exists under the city charter it shall be the board of adjustment, otherwise the powers of the board of adjustment shall vest in the governing body who may delegate all or part of such powers to a committee of the governing body. The terms of the members of the board of adjustment shall be concurrent with their terms as members of the governing body or city planning commission. The board shall adopt rules in accordance with the provisions of any ordinances adopted pursuant to this act.

Appeals to the board of adjustment may be taken by any person aggrieved.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person, or by agent, or by attorney.

The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto.

2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance.

3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

In exercising the above mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The majority vote of the members of the board shall be sufficient to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Sec. 3. Application.—The provisions of this act shall not apply to any city now or hereafter having provided for the establishment of a board of adjustment in conformity with the provisions of the city charter of such city.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 24, 1929.