

Hubbard County Ordinance # 34

An Ordinance of the Hubbard County Board of Commissioners to Regulate Signage in Hubbard County.

Enacted on May 7, 2003.
Amended May 27, 2010.
Amended July 27, 2011.
Amended August 9, 2017.

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10.0 General

This Ordinance shall be known as the Sign Ordinance for Hubbard County, Minnesota and herein referred to as the Ordinance.

11.0 Purpose and Intent

The purpose of this Ordinance shall be to promote the health, safety, and general welfare of the public; to regulate the type, placement, and scale of signs within the different management districts; to recognize the communication needs of all sectors of the community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs, but not the content or messages of signs. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

Because of Hubbard County's unique environmental settings and awareness, and its reliance on tourism, it is further the intent of this Ordinance to encourage quality and aesthetics in the size, design, and the materials used for construction; to enhance the overall appearance and image of the area; and to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage.

This Ordinance shall not regulate official traffic or government signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

The primary intent of this Ordinance shall be to regulate signs containing commercial speech intended to be viewed from any vehicular or pedestrian right-of-way. This Ordinance is not intended to and does not restrict, limit, or control the content or message of signs.

12.0 Authority

Hubbard County enacts this ordinance establishing sign regulations pursuant to the authority granted by Chapter 394, Minnesota Statutes.

13.0 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the

governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

13.1 Conflicting Regulations

Whenever any provision of this Ordinance is found to be in conflict with the provisions of any other ordinance, the ordinance containing the more restrictive requirements shall govern.

It is not intended by this Ordinance to repeal, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

13.2 Severability

General application. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgments shall not affect any other provision of this Ordinance not specifically in said judgment.

Specific application. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, use, building or other structure, such judgment shall not affect the application of said provision to any other property, use, building or other structure not specifically included in said judgment.

14.0 Definitions

Abandoned Sign – A sign which no longer identifies or advertises a bona fide business, lessor, service, product, or activity, and/or for which no legal owner can be found.

Administrator – The Environmental Services Officer or designated representative.

Banner - A sign made of fabric or any nonrigid material with no enclosing.

Commercial Speech – Speech advertising a business, profession, commodity, service, or entertainment.

Copy – The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Face– The area of a sign on which the copy is placed.

Flashing Sign – A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. This does not include changeable copy

signs, or signs which, through reflection or other means, creates an illusion of flashing or intermittent light.

Freestanding Sign – A single-pole sign supported permanently upon the ground by a pole or brace and not attached to any building; or a double-pole sign with multiple signs between the two supports.

Frontage – The length of the property line of any one premise along a public right-of-way on which it borders.

Government Sign – A sign that is erected or maintained by a governmental unit.

Height – The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the average adjacent natural terrain or the surface grade beneath the sign, whichever is less in height.

Illegal Sign – A sign which does not meet the requirements of this Ordinance and is not a legal nonconforming sign.

Intermittent Lighting – see “Flashing Sign”.

Maintenance – For the purposes of this Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Non-Commercial Speech – Dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

Nonconforming Sign – A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

Off-Premise Sign – A sign structure which pertains to an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”

On-premise Sign – A sign which pertains to the use of the premises and/or property on which it is located.

Owner – A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

Person – Any individual, corporation, association, firm partnership, or similarly identified interest.

Portable Sign – Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Included are signs affixed to vehicles that are parked or placed in such a way as to display the sign face toward the roadway.

Projecting Sign – A sign other than a flat wall sign, which is attached to or projects from a building wall or other structure not specially designed to support the sign.

Sign – Any device, structure, fixture, or placard using graphic symbols, and/or written copy displayed for communicative or informational purposes and visible to members of the public who are not on the premises on which the device is located, including any structure erected primarily for use in connection with the display on such device and all lighting or other attachments used in connection.

Sign Area – Includes the space inside a continuous line drawn around and enclosing all letters, designs, and background materials exclusive of border, trim and structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

Temporary Sign – A sign that is not permanently installed and is displayed concurrent with a specific event or occurrence for a limited duration, after which the sign must be removed.

Wall Sign – A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window Sign – Lettering placed directly on a window surface.

20.0 Jurisdiction

The jurisdiction of this Ordinance shall apply to all the area of Hubbard County outside the incorporated limits of municipalities.

21.0 Functional Classification

Functional Classification is a system by which highways and streets are grouped in classes according to the character of service they are intended to provide. This system is the basis for establishing sign regulations through the county. All signs are regulated on the basis of the initial functional class of the roadway the sign faces or is visible from.

21.1 Classification Map

Hubbard County hereby adopts the existing state functional classification map for the county as the Official Map for the administration of this Ordinance. The Official Map for Hubbard County is retained and can be accessed at the Hubbard County Environmental Services Department. This Official Map shall be the final authority as to the current functional classification status for regulations under this Ordinance.

21.2 Functional Classifications

Principal Arterials. Serve corridor movements having trip lengths and travel density characteristics indicative of statewide or interstate travel. Also serve all urbanized areas and a large majority of the small-urban areas with over 25,000 population.

Minor Arterials. Link cities, larger towns, and other traffic generators, such as major resort areas. Consistent with population density, minor arterials are spaced so that all developed areas of the state are within reasonable distance of an arterial highway.

Major Collectors. These routes: (1) provide service to the larger towns not served by higher systems and other traffic generation of equivalent intra-county importance such as consolidated schools and county parks; (2) link these places with nearby large towns or cities or with arterials; and (3) serve important intra county travel corridors.

Minor Collectors. At intervals consistent with population density these routes collect traffic from local roads and bring all developed areas within a reasonable distance to a collector road and provide service to the remaining small communities.

Local. Comprised of all facilities not on one of the higher systems. It serves to provide direct access to abutting land and access to the higher order systems.

30.0 Performance Standards

30.1 General Regulations

The following signs or characteristics of signs shall not be permitted or erected in Hubbard County:

- A. Any sign which resembles, imitates or approximates the shape, size, form or color of railroad or traffic signs, signals, or devices.
- B. Any sign which is located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

- C. Any sign which is erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- D. Any sign which emits sounds.
- E. Any sign or structure which is unsafe or constitutes a hazard.
- F. Abandoned signs.
- G. Any sign displaying obscene, indecent, immoral or offensive matter.
- H. Any sign erected and/or maintained so as to direct constant or flashing beams or rays of light at any portion of the traveled way of any highway or street of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle, or which directs constant or flashing beams or rays of light at any portion of a building or residence. If a sign is illuminated, the source of light shall be directed so as not to shine upon any part of a residence or into any residential area or any roadway.
- I. Any signs within public rights-of-way or public easements unless posted by government agencies or public utilities.
- J. Any sign not abiding by all standards set forth in other federal, state, county or local ordinances, including but not limited to the Hubbard County Shoreland Management Ordinance.

30.2 Design, Construction and Maintenance

- A. All signs shall be properly maintained. Exposed surfaces shall be clean and painted as required. Defective parts shall be replaced. The Administrator shall have the right under Section 50.0 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
- B. In districts where allowed, signs may be illuminated by the following methods: internally or externally lighted and shielded to prevent glare to adjoining roadway and residences.
- C. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above the said pedestrian way of eight (8) feet, which shall be measured from the smallest vertical distance between the pedestrian way and the lowest point of the sign, including framework and embellishments.

- D. Except for banners, flags, temporary and portable signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame or structure.

31.0 Sign Classifications and Performance Standards

The following performance standards based on sign classification apply in all zoning districts, except as otherwise specified in this ordinance.

31.1 Class A – On-Premises Signs

Class A signs are on-premises signs, which shall conform to the requirements of this Ordinance, including the following:

- A. All Class A signs shall abide by all standards set forth in other federal, state, county or local ordinances.

B. Physical Requirements

The maximum size, height and quantity of Class A signs per lot shall not exceed the limitations listed in the chart below. These limitations are based on the lineal dimensions of the lot along the frontage with the roadway. Such size limitations shall apply to each face of a sign structure; for the purposes of calculating the area of a back-to-back or “V” type construction sign; however, only one face of such sign shall be considered.

Total Linear Frontage of Lot	Maximum Number per Lot	Maximum Area per Lot	Maximum Height per Sign
≤ 200 feet	1	100 sq. ft.	15 feet
>200 feet, but ≤ 500 feet	2	200 sq. ft.	20 feet
> 500 feet	3	200 sq. ft. max for any one sign, 300 sq. ft. total	25 feet

31.2 Class B – Off-Premises Signs

Class B signs are off-premises signs, which shall conform to the requirements of this Ordinance, including the following:

A. Location

Class B signs will be allowed as a permitted use subject to MN/DOT approval. All Class B signs shall abide by all standards set forth in other federal, state, county, or local laws, including more restrictive provisions of this Ordinance.

B. Size

The maximum sign area for any one face of a Class B sign shall not exceed the size allowed in section 31.2.F. Such maximum size limitation shall apply to each face of a sign structure. Class B signs may be placed back-to-back or in a “V” type construction, which is not to exceed forty-five (45) degrees, but not more than one (1) display is allowed on each face of a sign structure. For purposes of calculating the area of a back-to-back or “V” type construction sign; however, only one face of such sign shall be considered.

C. Height

The maximum height of any Class B freestanding sign shall not exceed the maximum height listed in section 31.2.F.

D. Spacing

No Class B free standing sign shall be closer than the distance allowed in section 31.2.F. to any other Class B sign. This provision does not prohibit back-to-back or “V” type construction of Class B signs. This distance between Class B signs shall be measured along the center line of the pavement between points directly opposite the center of the signs and along the same street or highway.

E. Wherever possible, the use of non-commercial off-premise signs of a standard design purchased and placed through the appropriate road authority within the roadway right of way will be encouraged as an alternate to private Class-B signs.

F. Size and Spacing Requirements

The following requirements apply to the appropriate roadway functional classification listed. Other portions of this or other ordinances may have more restrictive standards.

Functional Class	Maximum Size	Minimum Spacing	Maximum Height
Principle Arterial	400 sq. feet	1,000 feet	35 ft
Minor Arterial	400 sq. feet	1,000 feet	35 ft
Major Collector	150 sq. feet	400 feet	25 ft
Minor Collector	65 sq. feet	400 feet	15 ft
Local	65 sq. feet	400 feet	15 ft

31.3 Class C – Temporary On-Premises Signs

Class C signs are temporary on-premises signs, meaning they are not permanently affixed to the premises, which shall conform to the requirements of this Ordinance, including the following:

A. Type

Class C signs shall be limited to banners, pennants and portable signs.

- B. **Size**
The maximum square footage for the total of all Class C signs on a single lot of record shall be thirty-five (35) square feet.
- C. **Height**
The maximum height for all Class C signs not attached to buildings shall not exceed ten (10) feet.
- D. **Time**
The maximum time that a temporary sign may be displayed is ninety (90) days or less each calendar year, unless otherwise specified in this Ordinance.
- E. **Lighting**
Temporary signs are not permitted to be a flashing sign or have an intermittent lighting source.
- F. All Class C signs shall abide by all standards set forth in other federal, state, county or local ordinances.

31.4 Class D – Other Permitted Signs

Class D signs are those signs set forth in this section, which shall conform to the requirements of all federal, state, and county laws, and this Ordinance, including the specific performance standards set forth in this section:

- A. *Government signs.* Government signs shall be allowed in any district as required by the governing body having jurisdiction including, but not limited to, school districts, Hubbard County Highway Department, and State of Minnesota Department of Transportation. Size, height, spacing, and other requirements shall conform to those set by the appropriate governing body.
- B. *Small on-premises signs.* On-premises signs containing only non-commercial speech shall be allowed in all districts provided that the total area of such signs shall not exceed six (6) square feet in surface area.
- C. *Temporary signs.* One temporary sign may be displayed on property in any district in conjunction with a one-time or special event, including construction on and sale of property, provided that such sign does not exceed fifty (50) square feet and is removed within five (5) days of the completion of the one-time or special event.
- D. *Temporary signs during election.* Subject to Minnesota Statute Section 211.B.045, as it may be amended from time to time, signs containing non-commercial speech may be posted in all districts

beginning forty six (46) days before a primary election in a general election year until ten (10) days following the general election.

- E. *Works of art.* Works of art that do not include commercial speech are allowed in all districts.
- F. *Posted land.* Signs displayed in accordance with Minnesota Statutes, section 97B.001, as the same may be amended from time to time, are allowed in all districts.

40.0 Scenic Byway Overlay District

The Scenic Byway Overlay District is intended to promote quality signage opportunities while protecting the special scenic qualities of the county's state designated scenic byway routes. There are two scenic byways located in Hubbard County that comprise the overlay district: The Lake Country Scenic Byway and the Great River Road. Roads covered by this district are T.H. 34 from the Becker County Line to the Cass County Line; T.H. 71 from the T.H. 34 north junction to the west junction of T.H. 200; T.H. 200 from the west junction of T.H. 71 to the Clearwater County Line; and C.S.A.H. 2 from the Clearwater County Line to the Beltrami County Line. All signs are regulated on the basis of their facing or being visible from the roadways within the Overlay District.

40.1 Class A, C, and D Signs

Class A, C, and D signs shall be allowed in the overlay district according to the provisions set forth in Section 31.

40.2 Class B – Off-Premises Signs

A. Location

Class B signs will only be allowed within one (1) mile of the city limits of the City of Park Rapids; one half (1/2) mile of the city limits of the City of Nevis and the City of Akeley; and one thousand (1,000) feet of the centerline of the junctions of T.H. 34 and T.H. 226, T.H. 34 and C.S.A.H. 4, T.H. 71 and C.S.A.H. 41, T.H. 71 and C.S.A.H. 18, and T.H. 71 and T.H. 113. Class B signs will not be allowed in any other location within the overlay district.

B. Size

The maximum square footage for Class B signs is fifty (50) square feet and no more than ten (10) feet in height. Such maximum size limitation shall apply to each side of a sign structure, with no more than two sides per structure or one display per side. This maximum size can be extended to one hundred (100) total square feet and fifteen (15) total feet in height if two or more displays are stacked vertically on the same sign structure.

C. **Spacing**

No Class B freestanding sign shall be closer than four hundred (400) feet to any other Class B sign on the same side of the street or highway. This provision does not prohibit the back-to-back or “V” type construction (not to exceed forty-five degrees) of Class B signs. This distance between Class B signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs and along the same side of the street or highway.

D. **Construction**

Class B signs shall be constructed of natural wood or stone materials in keeping with the native visual aesthetics of the area. They will also be painted, maintained, and repaired in a quality and timely manner.

- E. Wherever possible, the use of non-commercial off-premise signs of a standard design purchased and placed through the appropriate road authority within the roadway right of way will be encouraged as an alternate to private Class-B signs.

50.0 Administration

The Hubbard County Environmental Services Department shall regulate signage in Hubbard County pursuant to this Ordinance. The Department shall have the following duties and responsibilities:

1. To review all applications for signage permits;
2. To issue all permits required by this Ordinance;
3. To inspect work in progress and to perform the necessary tests to determine its conformance with this Ordinance;
4. To investigate complaints regarding signs;
5. To perform compliance inspections;
6. To issue certificates of compliance or notices of noncompliance where appropriate;
7. To issue Stop Work Orders and Notices of Violation, pursuant to this Ordinance;
8. To take complaints to the County Attorney for violations of this Ordinance; and
9. To maintain proper records for permitted signage including applications, inspections, and all other correspondence.

51.0 General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in Hubbard County except in accordance with the provisions of this Ordinance.

51.1 Permit Required

No Class B sign shall be located, erected, moved or reconstructed, extended, enlarged or structurally altered within the County until a sign permit has been issued by the Environmental Services Department.

Application for a Class B sign permit shall be made to the Environmental Services Department. The application shall contain the following information: exact location of the proposed sign; the dimensions of the proposed sign; a listing of the materials with which the proposed sign will be constructed; whether the sign will be illuminated or use any type of artificial light source; name and address of the owner of the property on which the sign is to be constructed; name and address of the person that is to construct the proposed sign. The Department may require additional information consistent with the provisions of this Ordinance. All Class B signs shall be constructed and placed in substantial compliance with the permit and data submitted by the applicant.

An application for a sign permit shall be accompanied by the fee specified in the Hubbard County fee schedule. No application will be considered unless and until the required fee has been paid by the applicant. Any fee paid shall be refunded if the applicant withdraws the application prior to its consideration by the Environmental Services Department.

If the work authorized by the sign permit is not completed within 6 months from date of issuance, the permit shall be considered null and void and the site for which the permit was sought shall be returned to its condition prior to the issuance of said sign permit. Failure to obtain a sign permit prior to erection of a sign will result in a quadruple permit fee and removal of sign, if non-conforming, at owner's expense.

51.2 No Permit Required

No permit or permit fee shall be required for Class A, C, or D signs or for copy changes on permitted signs.

51.3 Certification of Sign Structure

The structural design of the following signs shall be certified by an engineer or architect registered in the State of Minnesota:

1. Any freestanding sign which has a sign area in excess of one hundred (100) square feet or a height greater than fifteen (15) feet;

2. Any projecting sign which has a sign area in excess of fifty (50) square feet;
3. Permitted signs supported by the roof of a building.

In lieu of the above, if a structural design book showing standard sign designs is filed with the Environmental Services Department and the designs therein are certified by an engineer licensed in the State of Minnesota, and the proposed sign is shown in the standard design book, no individual certification shall be required.

51.4 Sign Maintenance

All signs shall be maintained so as not to constitute a potential danger to persons or property. Abandoned signs and signs that have become damaged, dangerous, or dilapidated shall be repaired or removed immediately. The County shall have the rights and shall follow the procedures set forth in Minnesota Statutes with respect to any abandoned, dangerous or dilapidated sign.

51.5 Inspections

All signs regulated by this Ordinance shall be subject to inspection by the Environmental Services Administrator. The Administrator or his/her duly authorized representative may enter upon any property or premises to ascertain whether the provisions of this Ordinance are being obeyed. Such entrance shall be made during business hours unless an emergency exists. The County shall order the removal of any sign that is not maintained in accordance with the maintenance provisions of this Ordinance.

51.6 Violations

A violation of this ordinance is a misdemeanor. Signs that are in violation of this ordinance may be removed by the county at the sign owner's expense.

52.0 Non-Conforming Signs

52.1 Non-conforming signs are signs which were legally erected and displayed at the time of the enactment of this Ordinance but fail to conform with the Ordinance in one or more respects. Non-conforming signs shall be allowed to continue, subject to this section 52 and Minnesota Statutes Section 394.36, as it may be amended from time to time, and reasonable maintenance of said signs shall be allowed. The changes in sign copy and/or maintenance and repair upon an existing sign shall not be considered a relocation, replacement, or structural alteration.

52.2 A sign which is non-conforming may be structurally altered or modified in its existing location, provided that the sign is not made less conforming.

For the purpose of administering this section, the following test will be used:

1. The modified sign may not be larger in area than the existing sign;
2. The modified sign may not encroach into a required setback any farther than the existing sign;
3. The modified sign must meet all other applicable codes and requirements.

52.3 Non-conforming signs shall not be relocated or replaced without being brought into compliance with all requirements of this Ordinance. If the use of a non-conforming sign is discontinued for a period of more than one year, or if a non-conforming sign is destroyed to the extent of 50 percent of its estimated market value, as determined by independent, professionally prepared estimates submitted to the Administrator before any construction takes place, any subsequent sign use must conform to this Ordinance.

52.4 Non-conforming temporary signs shall either be removed according to the time periods set in this Ordinance or within twelve (12) months of the adoption of this Ordinance, whichever is sooner, and all subsequent temporary signs displayed must be in compliance with this Ordinance.

53.0 Amendments

The procedure for amendments to this Ordinance shall be as follows:

1. An amendment may be initiated by a property owner, the Planning Commission or the County Board of Commissioners. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Administrator. Such application shall be filled out and submitted to the Administrator at least fifteen (15) days before the next regularly scheduled meeting of the Planning Commission together with the appropriate fee;
2. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request;
3. A public hearing on the amendment request shall be conducted by the Planning Commission within sixty (60) days following such initial meeting. The Public hearing shall be conducted in accordance with M.S. 394.26;
4. The Planning Commission shall make a recommendation to the County Board of Commissioners after the proceedings of this public hearing. The applicant

shall be notified in writing of the recommendation that shall be forwarded to the County Board of Commissioners;

5. The County Board shall consider the Planning Commission recommendation within thirty (30) days after the public hearing is conducted.

54.0 Variances

An affected property owner may request a variance from standards as specified in this Ordinance and may be requested pursuant to this Ordinance.

54.1 Practical Difficulty

An application may be made, and a variance may be granted by the Hubbard County Board of Adjustment pursuant to the provisions of Minnesota Statute Section 394.27 when the applicant/owner establishes the existence of all of the following criteria:

1. The condition causing the plight of the landowner is unique to the property and was not caused by the actions of the landowner/applicant;
2. The variance, if granted, will not alter the essential character of the locality;
3. The granting of the variance will be in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan;
4. The property owner or owners proposes to use the property in a reasonable manner not permitted by the ordinance;
5. The granting of the variance is not based solely on economic considerations.

No variance shall be granted simply because there are no objections, or because those who do not object outnumber those who do, nor for any reason other than a proven practical difficulty.

In granting any variance, the Board of Adjustment may impose conditions that it finds necessary or desirable to effect the purposes of this Ordinance and to protect the public interest.

54.2 Process

1. An applicant desiring a variance shall fill out and submit to the Administrator a Variance Application form, copies of which are available from the Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment.

2. The Administrator shall make a staff report, in writing, to the Board of Adjustment, which shall make the final decision after conducting a public hearing in accordance with M.S. 394.26 and the provisions of this Ordinance.
3. An appeal of any administrative decision made in the enforcement of this Ordinance shall be made within fifteen (15) days of the date of the administrative decision by filling out and submitting to the Administrator an Administrative Decision Appeal Application form, which is available from the Administrator. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Administrator.
4. The Hubbard County Board of Adjustment has been established by the Hubbard County Shoreland Management Ordinance and is vested with such authority as provided by Minnesota Statutes 394.27 and all acts amendatory thereof and as is hereinafter provided:

The Board of Adjustment shall have the exclusive power concerning the following:

- A. To grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criterion prescribed in Section 54.1 of this Ordinance;
 - B. To hear and decide any appeal from an order, requirement, decision, or determination made by the Administrator;
 - C. All decisions by the Board of Adjustment in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final except that any aggrieved person, department, agency, Board of Commission shall have the right to appeal to the District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment.
5. A variance shall expire five (5) years from the date of issuance if the variance is not utilized.
 6. An applicant or landowner cannot request the re-hearing of a variance request or administrative decision appeal for a period of one (1) year from the date of the Board of Adjustment's decision. An applicant or landowner may request the re-hearing of a request for a variance or an administrative decision appeal that has been denied when substantial new information is obtained that is relevant to the issue. The Board of

Adjustment shall then re-hear the issue at another duly called public hearing.

7. If necessary, an extension of a variance shall be requested in writing and filed with the Environmental Services Officer at least thirty (30) days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to utilize the variance in the allowed five (5) years. Upon receipt of a request for a variance extension, the Environmental Services Officer shall review the request and make a decision to grant or deny the extension based on the information submitted. At staff's discretion, the request may be referred to the Board of Adjustment. No extension shall be for more than one (1) year, after which if the variance is not utilized, the variance becomes void. In no case shall more than one (1) variance extension be approved for an individual variance request.