

**Minnesota Association of County Planning  
and Zoning Administrators  
Case Law Update**

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# County-Township Zoning Issues

- *Calm Waters, LLC v. Town of Kroschel*, No. 33-CV-18-160, 2019 WL 6837002 (Minn. Ct. App. Dec. 16, 2019).
- **FACTS:** Kroschel's zoning ordinance dictates no parcel of land can be smaller than 20 acres and all parcels of land must abut a public road for at least 300 feet. Calm Waters sought a variance from the minimum lot size requirement to create two parcels which were under the 20-acre minimum lot size and a variance from the public road abutment requirement to create two stacked parcels which would require traversing an existing easement. Kroschel denied the requests.

- **ISSUE:** Did Kroschel have the authority to zone shoreland which is also subject to the regulatory overlay of Kanabec County's shoreland management controls? Or was their denial arbitrary and capricious?

# Service Issues

- *Schulz v. Town of Duluth*, 936 N.W.2d 334 (Minn. 2019).
- *Kirkpatrick v. Meeker Cty. Bd. of Comm'rs*, No. A19-0607, 2020 WL 132536 (Minn. Ct. App. Jan. 13, 2020).
- *Stinski v. Ruedebusch*, No. A19-0525, 2019 WL 5543938 (Minn. Ct. App. Oct. 28, 2019).

# 60 Day Rule

- *In re USS Water Town Solar LLC*, Nos. A19-1148 & A19-1149, 2020 WL 4280034 (Minn. Ct. App. July 27, 2020).

# Failure to Follow Ordinance

- *In re Tillman Infrastructure LLC*, No. A19-1824, 2020 WL 4432034 (Minn. Ct. App. Aug. 3, 2020).

# Non-conforming uses

- *AIM Dev., LLC v. City of Sartell*, 946 N.W.2d 330 (Minn. 2020); *AIM Dev. (USA), LLC v. City of Sartell*, No. A18-0443, 2020 WL 7134863 (Minn. App. Dec. 7, 2020), review denied (Feb. 16, 2021).

# Use Permits

- *Kirkpatrick v. Meeker Cty. Bd. of Comm'rs*, No. A19-0607, 2020 WL 132536 (Minn. App. Jan. 13, 2020).
- *Knife River Corp.-N. Cent. v. Whited Twp.*, No. A20-0449, 2020 WL 7688625 (Minn. App. Dec. 28, 2020).



# Separation of Church and Waste?

- *Mast v. Cty. of Fillmore*, No. A19-1375, 2020 WL 3042114 (Minn. Ct. App. June 8, 2020).
- Cow manure stinks too
  - *In re Individual Nat'l Pollution Discharge Elimination Sys. Feedlot Permit No. MN0067652*, Nos. A19-0207 & A19-0209, 2019 WL 5106666 (Minn. Ct. App. Oct. 14, 2019).

# Collateral Estoppel

- *Ex rel. Tower Hill Park v. Foxfire Props., LLC*, No. A19-1111, 2020 WL 994767 (Minn. Ct. App. Mar. 2, 2020).

# Questions?

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