

NEWS



CROW WING COUNTY
BRAINERD, MINNESOTA 56401

Land Services Department
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FOR IMMEDIATE RELEASE
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COURT OF APPEALS UPHOLDS CROW WING COUNTY BOARD OF ADJUSTMENT DECISION

The Minnesota Court of Appeals has upheld a recent land use decision made by the Crow Wing County Board of Adjustment (BOA). The BOA decision had denied an after-the-fact variance request from a property owner who built a garage encroaching on a neighbor's property. The court upheld the BOA's decision to deny the variance and require the encroaching landowner to move the structure to meet the County's 10 foot side yard setback.

In its August 15 decision, the Court of Appeals noted that the BOA "has broad authority to grant or deny variances" and the court's role is to review whether "the evidence could reasonably support or justify the decision." The court found that the county properly reviewed the relevant legal standards in making its decision and had ample findings of facts to support the decision.

"We are pleased the Court recognized the procedures we have instituted in Crow Wing County to insure the proper legal standards are followed when making land use decisions," noted Chris Pence, of the County Land Services Department. "Consistent policies and procedures in applying zoning laws are essential to protecting our resources and providing fair and equitable service to our customers."

Pence noted that Crow Wing County is committed to helping landowners understand the law and meet its requirements. "The vast majority of landowners want to do the right thing and the Land Service Department is ready, willing and able to assist them. Yet, on those occasions when persons choose to disregard the rules, we will not hesitate to pursue all available enforcement avenues," he stated.

Pence encouraged landowners to contact the Land Services Department at (218) 824-1125 or via the e-mail at environmental.services@co.crow-wing.mn.us to discuss land use questions before starting building projects. Information about land use in Crow Wing County can also be found at the County website www.co.crow-wing.mn.us. The Court of Appeals decision, Nesvig v. Crow Wing County, can be viewed at macsnc.courts.state.mn.us.

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