

Bond Case Briefs

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ZONING - MINNESOTA

500, LLC v. City of Minneapolis

Supreme Court of Minnesota - September 25, 2013 - N.W.2d - 2013 WL 5348308

Applicant brought declaratory judgment action seeking determination that application to heritage-preservation commission for a certificate of appropriateness was a written request related to zoning, such that city had only 60 days to approve or deny application.

The Supreme Court of Minnesota held that:

- Trial court had subject matter jurisdiction;
- Written request relating to zoning referred to written request that had a connection, association, or logical relationship to the regulation of building development or the uses of property; and
- Application to heritage-preservation commission for certificate of appropriateness was written request relating to zoning.

A written request relating to zoning under statute governing time deadlines for agency action, requiring agency to approve or deny request within 60 days, referred to a written request that had a connection, association, or logical relationship to the regulation of building development or the uses of property, rather than referring only to those requests that were explicitly authorized by an applicable zoning ordinance or statute. The phrase “relating to” had been interpreted to encompass any connection, association, or logical relationship to the noun modified by the phrase, and statute said nothing about zoning statutes or ordinances.

Application to a heritage-preservation commission for a certificate of appropriateness was a “written request relating to zoning” under statute governing time deadlines for agency action, and therefore city had 60 days to approve or deny application, where a certificate of appropriateness involved a particular property and affected specific property rights, state’s historic-preservation-enabling laws recognized a connection, association, or logical relationship between heritage preservation and zoning, and city’s heritage-preservation ordinances identified a connection, association, or logical relationship between an application for a certificate of appropriateness and zoning. Heritage-preservation proceedings are akin to hearings on a conditional use permit directed at a specific property and related to specific property rights.