

Bond Case Briefs

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ZONING - NORTH DAKOTA

Dahm v. Stark County Bd. of County Com'rs

Supreme Court of North Dakota - December 19, 2013 - N.W.2d - 2013 ND 241

Landowner appealed from a decision of board of county commissioners denying his application for zoning amendment to change his property designation from agricultural to residential and for approval of preliminary plat to create residential subdivision. After denying landowner's motion to submit additional evidence, the District Court affirmed. Landowner appealed.

The Supreme Court of North Dakota held that:

- County board did not act arbitrarily, capriciously, or unreasonably in denying landowner's application for zoning amendment and approval of preliminary plat to create residential subdivision;
- County board was not required to approve landowner's zoning application, despite its alleged compliance with subdivision zoning requirements, since application conflicted with county's comprehensive plan;
- County board's decision to impose appearance restriction preventing landowner from appearing before the board for six months was not arbitrary, capricious, or unreasonable; and
- District court did not abuse its discretion in denying landowner's motion to submit additional evidence.