

Bond Case Briefs

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ZONING & PLANNING - MINNESOTA

Schulz v. Town of Duluth

Court of Appeals of Minnesota - February 11, 2019 - N.W.2d - 2019 WL 510023

Neighboring landowners brought action seeking judicial review of township commission's approval of a zoning-variance application.

The District Court granted the township's motion to dismiss the action. Neighboring landowners appealed.

The Court of Appeals held that:

- Civil procedure rule governing persons to be joined if feasible applied to the action, and
- Landowners seeking variance from zoning ordinance were necessary and indispensable parties.

Civil procedure rule governing persons to be joined if feasible applied in an action brought by neighboring landowners seeking judicial review of a township's decision on an application for a zoning variance.

Landowners seeking variance from zoning ordinance were necessary and indispensable parties, in action brought by neighboring landowners seeking judicial review of township commission's approval of zoning-variance application; landowners had an interest in the township's zoning-variance decision, landowners had a significant financial investment in the real property that they wished to use as a residence after building, and they clearly claimed an interest relating to the subject of the action and were so situated that the disposition of the action in their absence could as a practical matter impair or impede their ability to protect that interest.