



ADMINISTRATIVE DECISION

APPLICANT NAME: Kari Lohmiller

PROPERTY LOCATION: Parcel Code: 120153100A00009, T137N R27W Sec 15

APPLICANT REQUEST: Ability to conduct a Metes and Bounds Subdivision on a 10.01 acre parcel.

ISSUE: subdividing a lot that does not meet the lot size requirements of the City ordinance at the time of application.

FACTS: Kari Lohmiller applied to the City on 8/23/2010 to subdivide the parcel, the city interpreted the ordinance to not include the easement area along County Road 3 and determined that the lots would not meet the ordinance requirements of that date. The application was held up due to the lot size requirement and the City determination that the parcel would need to be rezoned to allow the split. On 12/16/2010 Mrs. Lohmiller sign a 120-day extension for the application – extending the required action date by the City to 4/15/2011. It was explicitly stated by the City that they (The city) needed to approve or deny the application by 4/15/2011 or the application would be approved. There is no documentation in the City Planning and Zoning records that the application was acted upon before or after 4/15/2011.

ANALYSIS: Minnesota Statute 462.358, subd. 3b states that the applicant will receive automatic approval if the City does not make a decision within 120 days of receiving the application. The application deadline was extended once by the City and then again by Mrs. Lohmiller to 4/15/2011. There is no indication in the City records that a decision was made by this date.

DECISION: Kari Lohmiller may subdivide this parcel once a new survey is submitted with an adjustment in the property lines along County Road 3 to show the portion that the County acquired with the resurfacing of the roadway in 2014. They will also need to submit updated legal descriptions, updated lot sizes and new deeds. Mrs. Lohmiller will also be required to pay the current Park Dedication fee of \$1500.00 prior to the Planning and Zoning Administrator approving the survey and deed for submission to the County Recorder.

This administrative decision is limited to the facts of this particular property.

Jon R. Kolstad

5/21/15

Print Name / Signature of Zoning Administrator or Designee

Date