

From: Jerry Bohnsack <jbohnsack@cityofbreezypointmn.us>
Sent: Thursday, April 17, 2025 9:57 AM
To: Joseph J. Langel <jjl@ratwiklaw.com>
Subject: Land use issues

Good Morning Joe

A couple of issues have come up in the last couple of days.

Evan Moline was issued a building permit for a dwelling September of 2020, Mr. Moline paid for a sewer hookup as part of the permit. (\$3250.00). Over the past few years Mr. Moline has tried to construct the dwelling himself. He bought the lot on a contract for deed & has since defaulted. The original owner has taken the property back & has leveled the partially constructed building. Since he lost the property & the sewer was never hooked up, Mr. Moline is requesting that the City reimburse him for the \$3250.00 sewer hookup.

Q Does the City have a legal obligation to reimburse the \$3200.00 hookup? **No. The permit was properly issued. The permit granted him the right to hook up. The fact that the applicant never got around to the actual hookup does not make the permit refundable. In the absence of some policy to the contrary, such permits are generally not refundable. Presumably, if a new developer wants to hook up sewer, that developer will get the benefit of the permit. The City could, nevertheless, issue the refund if it wanted to; that's a Council decision in the absence of an existing policy.**

Sara Lovejoy 7036 Nickle Rd. parcel 10181327

Sara owns a 10 acre parcel of land that was zoned UR urban reserve 10 acre lot size. She wants to divide the property into 2 lots. One for her use and the other for her child. The ordinance would have allowed her to construct a dwelling with a guest dwelling, utilizing a CUP, without subdividing. She was determined that she wanted separate parcels, and petitioned for a re-zoning to WR, which was approved. She then applied for a 2 lot subdivision, which was also approved. The subdivision has not been signed or filed. Peter Gansen made Sara aware of the park dedication requirements (152.60) at the time that she started the process. She is now contending that the fee is excessive & that it should be reduced.

I believe that the Council has some discretion, but I am concerned that any action that they take on this subdivision will be utilized by future subdividers.

Q Does the council have the authority to pick a number, or would it be more appropriate to amend the ordinance? **I agree that acceding to this request is a problem. Either enforce the ordinance or change it, but do not grant exceptions to people who complain about it. Doing that can lead to equal protection claims against the City. The ordinance should be applied the same to everyone.**

I anticipate that these issues will be on the May 5 Council agenda.

As always your guidance is greatly appreciated.

Jerry