

**360.072 JUDICIAL REVIEW.**

Subdivision 1. **Appeal.** Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or of any action of the commissioner taken under section 360.063, subdivisions 6 or 6a, or any governing body of a municipality or county, or any joint airport zoning board, which believes that a decision of a board of adjustment or action of the commissioner is illegal may appeal in accordance with chapter 14.

Subd. 2. [Repealed, 1983 c 247 s 219]

Subd. 3. [Repealed, 1983 c 247 s 219]

Subd. 4. [Repealed, 1983 c 247 s 219]

Subd. 5. [Repealed, 1983 c 247 s 219]

Subd. 6. **Allowance of costs.** Costs shall not be allowed against the board of adjustment or the commissioner unless it appears to the court that the board or the commissioner acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

Subd. 7. **Unconstitutional taking; application to other real property.** In any case in which airport zoning regulations adopted under sections 360.011 to 360.076, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this state or the Constitution of the United States, such holding shall not affect the application of such regulations as to other structures and parcels of land.

**History:** 1945 c 303 s 34; 1977 c 236 s 3; 1978 c 674 s 58; 1983 c 247 s 142; 1986 c 444