

Bond Case Briefs

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ZONING & LAND USE - MARYLAND

Waterman Family Limited Partnership v. Boomer

Court of Appeals of Maryland - November 20, 2017 - A.3d - 2017 WL 5559857

Landowner, whose land was annexed and rezoned by town pursuant to landowner's request, filed an action styled as a "Petition for Judicial Review and Writ of Administrative Mandamus" of newly elected county commissioners' rescission of outgoing commissioners' approval of the town's rezoning of the annexed land.

Town joined landowner's petition, and neighboring landowners joined in defense of the county. The Circuit Court entered a declaratory judgment that county could not rescind the prior approval of the rezoning. Neighboring landowners appealed. The Court of Special Appeals reversed. Landowner and town sought a writ of certiorari.

The Court of Appeals held that newly elected county commissioners had common-law authority to rescind outgoing commissioners' approval of the rezoning.

Newly elected county commissioners had common-law authority to rescind resolution passed two weeks' prior by outgoing county commissioners approving town's rezoning of recently annexed land, whose owner had not yet taken action to develop the property in accordance with the rezoning prior to county's rescission of its approval of the rezoning, whether or not the original resolution and its rescission fit the definition of "public local law" under the state constitution; resolution initially approving the rezoning applied to land wholly within county, the approval resolution concerned a matter of local import to county, and the approval resolution did not concern any other county.