

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & LAND USE - LOUISIANA

Garber v. City of New Orleans Through City Planning Commission

Court of Appeal of Louisiana, Fourth Circuit - December 13, 2017 - So.3d - 2017 WL 6350325 - 2016-1298 (La.App. 4 Cir. 12/13/17)

Neighbors of commercial property and various neighborhood preservation groups brought suit for judicial review of city's decisions to approve owner's application to remodel property in order to operate a restaurant.

The Civil District Court denied relief to neighbors and preservation groups, and they appealed.

The Court of Appeal held that:

- City historic preservation commission was within its authority to permit a change of use of commercial property from vacant to restaurant as it pertained to the architectural safeguards and conditions set forth in city's comprehensive zoning ordinance (CZO);
- Neither the commission, in permitting the change, nor the city council, in voting to affirm the commission decision, acted in an arbitrary or capricious manner;
- City planning commission's decision to allow subdivision of two commercial lots in historic district was not inconsistent with city's master plan, and thus, was not arbitrary or capricious on that basis; and
- City planning commission rule that permitted only applicants to appeal minor subdivision decisions to the city council did not violate due process and equal protection provisions of United States and Louisiana constitutions.