

# **Bond Case Briefs**

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## **ZONING & PLANNING - GEORGIA**

### **Quarters Decatur, LLC v. City of Decatur**

**Court of Appeals of Georgia - October 23, 2018 - S.E.2d - 2018 WL 5262198**

Real estate developer petitioned for a writ of mandamus to compel city and city's planning director to take action on developer's application for approval of a preliminary subdivision plat for a townhouse development.

The Superior Court dismissed for failure to state a claim. Developer appealed.

The Court of Appeals held that:

- Developer sufficiently stated that it had a clear right to relief, and
- Developer sufficiently stated that it lacked another legal remedy.

Real estate developer sufficiently stated that it had a clear right to relief in its petition for a writ of mandamus to compel city and city's planning director to take action on developer's application for approval of a preliminary subdivision plat for a townhouse development, as required to preclude dismissal of the petition for failure to state a claim, where developer alleged in the petition that it had submitted a preliminary plat that complied with applicable ordinance and that the city planning commission was required to hold a public hearing and issue a recommendation on the preliminary plat within a particular time frame, which the planning director, as the city's zoning administrator, was required to then forward to the city commission for final action or approve the plat herself.

Real estate developer sufficiently stated that it lacked another legal remedy as to city's and city's planning director's alleged failure to take required action on developer's application for approval of a preliminary subdivision plat for a townhouse development, as required to preclude dismissal of developer's mandamus petition for failure to state a claim; although city and planning director argued that developer failed to exhaust its administrative remedies or could have had planning director approve the preliminary plat herself, ordinance in question provided a mechanism for any person aggrieved by a final written decision to appeal to the zoning board of appeals, but it was not clear that any such final written decision was made, and developer alleged that planning director rebuffed efforts to obtain action of some kind.