

Bond Case Briefs

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York v. Athens College of Ministry, Inc.

Court of Appeals of Georgia - November 2, 2018 - S.E.2d - 2018 WL 5729088

After application for special use permit to build college campus was granted, nearby property owners petitioned for writ of certiorari, objecting to county's approval of application.

The Superior Court granted applicant's and county's motions to dismiss petition for lack of standing. Property owners appealed.

The Court of Appeals held that decision by county board of commissioners to issue special use permit was quasi-judicial, not legislative and, thus, county and applicant waived their challenge to property owners' standing by not raising such issue before board.

Decision by county board of commissioners to issue special use permit to allow for construction of college campus on property located in agricultural zoning district was quasi-judicial, not legislative and, thus, county and applicant waived their challenge to standing of nearby property owners to seek certiorari review of such decision by not raising issue of standing before the board; county ordinance directed that due consideration be given to ten objective standards for special use consideration before grant of permit, such that process used for board's decision involved determining facts and applying ordinance's legal standards to them, which was decision-making process akin to judicial act, and board's decision was immediate and specific in application.