

Bond Case Briefs

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Riverdale Land Group, LLC v. Clayton County

Court of Appeals of Georgia - February 27, 2020 - S.E.2d - 2020 WL 947096

Real property owner brought a mandamus action against county, challenging the denial of owner's application for a conditional-use permit to construct a gas station.

The Superior Court granted county's motion to dismiss for lack of subject-matter jurisdiction. Owner appealed.

The Court of Appeals held that mandamus relief was precluded by ability of owner to seek writ of certiorari.

County's decision to deny conditional use permit to real property owner was quasi-judicial act, and thus owner was entitled to seek writ of certiorari to challenge decision, which precluded mandamus relief; even though zoning procedure law characterized a zoning board's decision as "legislative," zoning ordinance required owner to provide detailed information regarding specific property at issue and listed six decision criteria for county to consider, ordinance required public hearing within 60 days and notice to parties, and decision-making process required ascertainment of relevant facts from evidence presented by owner's request.