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Alpha Land Partners, LLC v. City of Alpharetta

Court of Appeals of Georgia - March 10, 2026 - S.E.2d - 2026 WL 671642

Property owner filed petition for review of denial of application for conditional use permit for property owner's land, asserting arguments that trial court construed to be constitutional challenges to the underlying zoning ordinance.

The trial court affirmed denial of the permit application, dismissing property owner's constitutional challenges to the ordinance and instead ruling on the merits. Property owner appealed.

The Court of Appeals held that:

- Property owner appropriately challenged denial of permit application via petition for review;
- Trial court had jurisdiction to consider arguments invoking constitutionality of zoning ordinance;
- Trial court's error in refusing to consider constitutionality challenges required reversal and remand; and
- Court of Appeals would not reach challenge to sufficiency of evidence and would instead vacate part of trial court's order affirming denial and direct trial court to reconsider issue in light of resolution of constitutional challenges.

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