

Bond Case Briefs

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Hart v. City Council for City of Salem

Court of Appeals of Virginia - August 18, 2026 - S.E.2d - 2026 WL 2411052

Property owner brought action for declaratory judgment and injunctive relief against nonprofit corporation and city council, alleging that council's approval of corporation's second rezoning application violated local rezoning ordinance prohibiting consideration of certain substantially similar applications within one year.

The Salem Circuit Court sustained corporation and council's demurrers and dismissed complaint with prejudice. Property owner appealed.

The Court of Appeals held that ordinance did not bar council from considering corporation's second application.

Local rezoning ordinance adopted by city council, which prohibited council from considering certain substantially similar applications within one year, applied only to an application that council had denied, or one that applicant withdrew after council took up but before it voted to approve or deny it, and thus ordinance did not bar council from considering nonprofit corporation's second rezoning application, in property owner's action for declaratory relief and injunctive relief against corporation and council, alleging that council's approval of corporation's second application violated the ordinance; corporation's first application was approved, not denied, and it was not withdrawn before council acted on it.