

Bond Case Briefs

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ZONING - ARIZONA

Stagecoach Trails MHC, L.L.C. v. City of Benson

Supreme Court of Arizona, En Banc - March 5, 2013 - P.3d - 2013 WL 792825

Court holds that mobile home park operator was not required to appeal again to the city's board of adjustment after the zoning administrator reaffirmed his earlier denial of a permit; remanded on issue of nonconforming use.

Mobile home park operator brought action seeking judicial review of city zoning administrator's denial of a permit to install a new mobile home, and to challenge zoning ordinance.

The Supreme Court of Arizona held that:

- Park operator was not required to appeal again to the city's board of adjustment after the zoning administrator reaffirmed his earlier denial of a permit, and
- Park operator was not entitled mandamus relief or attorney fees.

The park operator argued that the entire park is the nonconforming use and replacing individual manufactured homes within the park is merely a continuation of the existing use that does not alter the park's nonconforming status. In contrast, the city argued that, because the individual space is the nonconforming use, placing a new home on the space is a different use that must satisfy current zoning requirements. The City did not argue, however, that if the park is the nonconforming use, replacing an individual home would alter the use and subject the park, and each space, to current zoning regulations. The court remanded to a lower court to decide these issues.