

# **Bond Case Briefs**

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## **PLANNING / ZONING - TEXAS**

### **Town of Bartonville Planning and Zoning Bd. of Adjustments v. Bartonville Water Supply Corp.**

**Court of Appeals of Texas, San Antonio - March 27, 2013 - S.W.3d - 2013 WL 1222939**

*Court of appeals agrees with zoning board's assertion that question of applicability of local ordinance to water supply corporation exceeds the board's authority; board possesses only the authority to enforce ordinance.*

Town planning and zoning board of adjustments denied water supply corporation's application for a building permit for the construction of a water tower.

At trial, the water supply corporation argued that the board's order was illegal because the board should have determined that its own zoning ordinances do not apply to the corporation because of provisions in the Texas Water Code. The board replied that it had no authority to make any such determination. It only had the authority to enforce the ordinance.

The court of appeals held that it was not within the board's jurisdiction to make a determination concerning the applicability of the zoning ordinances, nor was it within the trial court's jurisdiction in a limited petition for writ of certiorari review. The court agreed with the board that the trial court exceeded its subject matter jurisdiction and remanded.