# Bond Case Briefs

*Municipal Finance Law Since 1971*

---

**ZONING - TEXAS**

## Riner v. City of Hunters Creek

**Court of Appeals of Texas, Houston (14th Dist.) - June 20, 2013 - S.W.3d - 2013 WL 3087061**

Landowners sought to subdivide their property. The local planning and zoning commission disapproved their preliminary plat. Landowners sought declaratory judgment and a writ of mandamus from the district court.

Landowners sought to subdivide their lot into three lots, and to that end, they filed an application for replat with the City's planning and zoning commission (the "Commission). The application included a preliminary plat of the proposed subdivision. The Commission disapproved Landowners' application, and at Landowners' request, issued an order certifying the reasons for its decision. The Landowners did not appeal the decision to the board of adjustment, but instead filed suit against the Commission in a Harris County district court. According to the Landowners, the Commission disapproved the plat primarily because the Commission misconstrued an ordinance specifying the minimum lot size of residential properties and erroneously excluded the area beneath a public-street easement. Landowners asked the trial court to render a declaratory judgment construing the ordinance and stating that all of the Commission's 14 reasons for disapproving the plat were invalid. In the alternative, the Landowners asked the trial court to issue a writ of mandamus compelling the Commission to approve the plat or to conditionally approve it subject to modification.

The Commission specially excepted to the Landowners' live pleadings on the ground that their allegations failed to establish the trial court's subject-matter jurisdiction over the Landowners claims. The trial court sustained the special exceptions and ordered the Landowners to amend their pleadings within fifteen days to show that (a) they have the right to judicial review of the Commission's denial of their application for approval of the preliminary plat, and (b) their claims are ripe for review.

The Landowners did not further amend their pleadings, and after the Commission moved for entry of judgment, the trial court dismissed the Landowners' suit for lack of subject-matter jurisdiction. The appeals court affirmed.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com