

Bond Case Briefs

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ZONING - LOUISIANA

Spilsbury v. City of New Orleans

**Court of Appeal of Louisiana, Fourth Circuit - February 19, 2014 - So.3d - 2013-1258
(La.App. 4 Cir. 2/19/14)**

Landowners sought review of zoning board decision upholding city's denial of landowners' permit application to repair their duplex, which was a non-conforming use in single-family zoning district. The Civil District Court affirmed. Landowners appealed.

The Court of Appeal held that:

- Zoning ordinance for single-family residential district, which provided five-year deadline for owners of two-family dwellings applying for permits "regarding demolition and building" applied only to owners of two-family dwellings who desired to demolish and rebuild the dwelling from hurricane damage, not to owners applying for permits to renovate two-family dwellings which were not going to be demolished, and
- Denial of new permit or extension of prior permit was arbitrary and capricious.

Decision of Board of Zoning Appeals to deny landowners either a new permit or an extension of their prior permit for renovating duplex, which was a non-conforming use in single-family residential district, following hurricane damage was arbitrary and capricious; hurricane was a unique situation which resulted in extreme delays, and landowners had continued to take necessary steps to complete renovation project.