

Bond Case Briefs

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ZONING - ALABAMA

Brown v. Jefferson

Court of Civil Appeals of Alabama - April 4, 2014 - So.3d - 2014 WL 1328337

Adjoining neighbor appealed from decision of municipal board of adjustment granting dance studio operator a variance that allowed a reduction in number of required parking spaces for studio's business. The Circuit Court granted the variance, subject to conditions. Studio owner appealed.

The Court of Civil Appeals held that:

- Neighbor had standing as "party aggrieved" to challenge board of adjustment's decision;
- Trial court was not without authority to attach conditions to granting variance;
- Stated condition that studio use a shuttle bus for transporting students did not constitute an impermissible injunction; and
- The condition was not unreasonable, arbitrary, or oppressive means to address traffic congestion.