

# **Bond Case Briefs**

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## **ZONING - VIRGINIA**

### **Lamar Co., LLC v. City of Richmond**

**Supreme Court of Virginia - April 17, 2014 - S.E.2d - 2014 WL 1499584**

Property owner and property lessee sought variance to allow lessee's billboard on property to remain at its existing height. The Circuit Court upheld the zoning board's denial of the variance. The lessee appealed.

The Supreme Court of Virginia held that the proper standard of review for denial of a variance is whether the board's decision was contrary to law or an abuse of discretion, rather than whether the decision was fairly debatable.

The "fairly debatable" standard is the standard of review that a court applies when a governing body acts in a legislative capacity, such as when it adopts a zoning ordinance or grants a special use permit; it is not the proper standard of review to apply when considering a board of zoning appeals' decision to deny a request for a variance.