

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 1499592

City brought enforcement action against property owner and property lessee seeking lowering of lessees's billboard located on property to a conforming height. Property owner and lessee sought declaratory judgment and city filed demurrers. The Circuit Court sustained the demurrers. Property owner and lessee appealed.

The Supreme Court of Virginia held that zoning statute prohibiting local governments from removing nonconforming uses on property for which taxes had been paid for at least 15 years, based solely on a property's nonconforming status, was a restrictive statute limiting municipal power rather than a permissive enabling statute.