

Bond Case Briefs

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ZONING - LOUISIANA

Cronley v. Board of Zoning Adjustments

Court of Appeal of Louisiana, Fifth Circuit - May 14, 2014 - So.3d - 13-789 (La.App. 5 Cir. 5/14/14)

Applicants filed suit, seeking reversal of the zoning board's denial of their request for a variance to allow them to park their recreational vehicle (RV) on the side of their home to assist their disabled child's needs. The District Court reversed and granted a variance. Zoning board appealed.

The Court of Appeal held that:

- Trial judge did not err by allowing applicants to present additional testimony, and
- Applicants failed to establish that the zoning board's decision was arbitrary, capricious, or an abuse of discretion.

Applicants failed to establish that the zoning board's decision to deny them a variance to allow them to park their recreational vehicle on the side of their home to assist their disabled child's needs was arbitrary, capricious, or an abuse of discretion. Record of proceedings did not support a finding that the variance would positively affect neighborhood prosperity and welfare, and while the applicants certainly had shown a hardship due to their child's medical condition, they had not shown that circumstances special to the property created the hardship.