

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING - MARYLAND

Anne Arundel County v. Bell

Court of Appeals of Maryland - April 21, 2015 - A.3d - 2015 WL 1798953

Objectors brought action against county, seeking declaratory relief, challenging comprehensive rezoning ordinance. The Circuit Court dismissed complaint with prejudice. Objectors appealed. The Court of Special Appeals vacated and remanded. County petitioned for certiorari.

The Court of Appeals held that:

- Objectors lacked property owner standing to bring action, and
- Objectors lacked taxpayer standing to bring action.

Objectors lacked property owner standing to bring action for declaratory relief challenging county's adoption of comprehensive rezoning ordinance. Objectors were not specially aggrieved by the ordinance merely because they owned property in the area affected by the ordinance, and expanding the doctrine of property owner standing to a challenge to comprehensive zoning legislative action would be unwarranted and unprudential.

Objectors lacked taxpayer standing to bring action seeking declaratory relief challenging county's adoption of comprehensive rezoning ordinance, since objectors failed to sufficiently allege that their taxes would be increased or that the allegedly illegal action would result in any other form of pecuniary loss. Objectors' alleged frustration with increased traffic, annoyance with increased noise, and violations of a right to participate in zoning changes, even if within the purview of taxpayer standing, were not unique to objectors, as opposed to the general public.