

Bond Case Briefs

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ZONING - MARYLAND

A Guy Named Moe, LLC v. Chipotle Mexican Grill of Colorado, LLC

Court of Appeals of Maryland - April 26, 2016 - A.3d - 2016 WL 1637650

Restaurant operator, a foreign limited liability company (LLC), petitioned for review of decision of city department of zoning and planning, approving application for special exception for competitor to open a restaurant 400 feet from operator's restaurant.

The Circuit Court dismissed the petition, and operator appealed. The Court of Special Appeal affirmed. Operator petitioned for review.

The Court of Appeals held that:

- As a matter of first impression, a foreign LLC may file a suit and subsequently cure its noncompliance with statutory registration requirements and continue with its suit, but
- Operator was not aggrieved for standing purposes.

A foreign limited liability company (LLC) may file a suit and subsequently cure its noncompliance with statutory registration requirements, existing at time of suit, and continue with its suit. The statutory prohibition on a noncompliant foreign LLC "maintaining" suit is subject to a proviso that the LLC show to the court's satisfaction that it has paid a penalty for noncompliance and complied with registration requirements.

A protestant (but not a catholic?) is specially aggrieved by a decision of board of zoning appeals so as to be entitled to seek judicial review when she is farther away than an adjoining, confronting, or nearby property owner, but is still close enough to the site of the rezoning action to be considered almost prima facie aggrieved, and offers "plus factors" supporting injury.

Restaurant operator was not specially aggrieved by decision of city department of zoning and planning approving application for special exception for competitor to open a restaurant 400 feet from operator's restaurant, and therefore operator could not seek judicial review, notwithstanding claim of increased traffic, where operator's property was not within direct view of competitor's property.