

Bond Case Briefs

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ZONING - GEORGIA

Schumacher v. City of Roswell

Court of Appeals of Georgia - June 1, 2016 - S.E.2d - 2016 WL 3086089

City property owners filed an action against city that challenged city's approval of a new zoning ordinance and map that rezoned owners' properties.

The Superior Court granted city's motion for judgment on the pleadings. Property owners appealed.

The Court of Appeals held that city property owners' appeal from the Superior Court's review of a local government zoning decision required appeal by discretionary action.

Appeal by city property owners from the Superior Court's review of a local government zoning decision required appeal by discretionary action, pursuant to statute stating appeals from Superior Court decisions reviewing decisions of state and local administrative agencies must be brought by application for discretionary appeal. Owners' amended complaint seeking declaratory and injunctive relief challenged city council's decision to approve a new zoning map on constitutional due process and other grounds, all of owners' requests for relief were tied to city council's zoning decision, and relief could not be granted or denied without affirming or reversing the city council's zoning decision.