

Bond Case Briefs

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ZONING & LAND USE - VIRGINIA

Boasso America Corporation v. Zoning Administrator of the City of Chesapeake

Supreme Court of Virginia - March 2, 2017 - S.E.2d - 2017 WL 829688

Property owner sought certiorari review of an adverse decision of the board of zoning appeals.

The Circuit Court dismissed petition. Property owner appealed.

The Supreme Court of Virginia held that:

- Local governing body was required to be named as a necessary party in the petition within 30 days of the final decision, and
- Local governing body could not be named as a necessary party after expiration of the 30-day period.

To properly initiate a proceeding challenging a decision of a board of zoning appeals, the petitioner can name the governing body in a separate heading or caption or name it in the body of the petition, so long as a reasonable reader would understand either from the petition's text or context or both that the necessary party is being mentioned not as a mere historical reference within the larger background of the case, but as the party against whom the appeal is being taken.