

Bond Case Briefs

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ZONING & LAND USE - GEORGIA

Hoechstetter v. Pickens County

Supreme Court of Georgia - June 4, 2018 - S.E.2d - 2018 WL 2465513

Neighbors filed petition for judicial review of decision of county board of commissioners granting conditional use permit.

The Superior Court denied neighbors' motion for summary judgment. Neighbors appealed. The Court of Appeals affirmed. Writ of certiorari was issued.

The Supreme Court of Georgia held that hearing before county planning commission did not afford interested citizens meaningful opportunity to be heard by the county board of commissioners on application for conditional use permit, and thus, the hearing did not satisfy the notice-and-hearing requirements of the Zoning Procedures Law (ZPL).

Hearing before county planning commission did not afford interested citizens meaningful opportunity to be heard by the county board of commissioners on application for conditional use permit, and thus, the hearing did not satisfy the notice-and-hearing requirements of the Zoning Procedures Law (ZPL), where planning commission could only make recommendations to the board, only record of the hearing was one-page memorandum to the board, and memorandum failed to disclose the general nature of neighbors' objections to the application.