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Board of Supervisors of Hancock County v. Razz Halili Trust

Supreme Court of Mississippi - June 24, 2021 - So.3d - 2021 WL 2587103

Trust brought action challenging decision by county zoning board to deny trust's application to use its property as a marina.

The Circuit Court reversed. Board appealed.

The Supreme Court held that:

- Board's denial of trust's application was arbitrary and capricious, and
- Board's denial of trust's application was not supported by substantial evidence.

Zoning board's denial of trust's application to use its property as a marina was arbitrary and capricious, despite board's assertion that trust's proposed use of property to load and unload shipments of oysters was prohibited based on definition of a "seafood processor" under state licensing statute; marina was allowed as a matter of right in zone where property was located, whether trust's proposed use of property would classify it as a seafood processor under licensing statute was irrelevant to whether trust was engaged in seafood processing prohibited under local zoning ordinance, and there was no evidence that definition of a marina or prohibited use of seafood processing precluded unloading and loading oysters.

Zoning board's denial of trust's application to use its property as a marina was not supported by substantial evidence, despite board's assertion that trust intended to use property to process seafood, which was a prohibited use in zone where property was located; all evidence presented to board in trust's application and board meetings indicated that trust was applying to operate a marina as defined by local zoning ordinance, specifically that trust intended to use property to receive shipments of oysters, to unload oysters, to load them into refrigerated trucks, and to ship them out of state, and board was presented with no evidence that trust's intended use of property constituted a prohibited processing use under ordinance.