

Bond Case Briefs

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Wheelan v. City of Gautier

Supreme Court of Mississippi - February 3, 2022 - So.3d - 2022 WL 325207

Following city council's order authorizing property owner to build 1,410-square-foot workshop on property, neighbor filed suit against owner, city, and individual members of city council, alleging city council's order was unlawful because city council did not provide notice to neighbors of hearing on owner's building permit. Neighbor also alleged owner's workshop created nuisance.

Following trial, the Chancery Court dismissed suit. Neighbor appealed. The Court of Appeals affirmed. Neighbor filed petition for writ of certiorari.

The en banc Supreme Court held that:

- The pure questions of law presented in the interpretation of zoning ordinances are to be reviewed de novo, overruling *Hatfield v. Board of Supervisors of Madison County*, 235 So. 3d 18, and
- In city zoning ordinance providing that accessory structures could not exceed 50% of "main building area," term "main building area" could not be read to mean "entire lot."

In city zoning ordinance providing that accessory structures could not exceed 50% of "main building area," term "main building area" could not be read to mean "entire lot"; immediately preceding sentence in ordinance limited principal structure and all accessory structures combined to only 25% of lot area and stated that accessory structures could not exceed 20% of "rear lot area."