

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - KANSAS

American Warrior, Inc. v. Board of County Commissioners of Finney County

Court of Appeals of Kansas - February 10, 2023 - P.3d - 2023 WL 1876581

Plaintiffs brought suit against board of county commissioners and operator of sand and gravel quarry, challenging the validity of conditional-use permit issued by the county board of zoning appeals (BZA) to operate the quarry.

The District Court granted defendants' motion for summary judgment and denied plaintiffs' motion for summary judgment. Plaintiffs appealed.

The Court of Appeals held that conditional-use permit issued by BZA and not approved by board was void and unenforceable.

Conditional-use permit issued by county board of zoning appeals (BZA) to operator of sand and gravel quarry was void and unenforceable, where zoning laws required that conditional-use permits be first reviewed by a governing body's planning commission and then voted upon by the governing body itself, and board of county commissioners instead allowed its BZA to independently review and issue the conditional-use permit.