

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - KENTUCKY

Friends of Louisville Public Art, LLC v. Louisville/Jefferson County Metro Historic Landmarks and Preservation Districts Commission

Supreme Court of Kentucky - April 27, 2023 - S.W.3d - 2023 WL 3113325

Organizations and individuals who opposed the city's attempt to move a statute from an historic preservation district sought judicial review of city landmark commission's reversal of the district architectural review committee's denial of the city's request to move the statute.

The Circuit Court affirmed the commission's decision. Plaintiffs appealed, and the Court of Appeals affirmed. Plaintiffs moved for discretionary review.

The Supreme Court held that:

- Votes of three city employees as members of landmark commission to reverse architectural review committee's decision denying the city's request to move a statute was a violation of due process, and
- Landmarks commission was without authority to review decision of the architectural review committee absent written findings.

The votes of three city employees as members of the city landmark commission to reverse the historic preservation district architectural review committee's decision denying the city's request to move a statute was a denial of procedural due process for those opposed to moving the statute and rendered the commission's reversal inherently arbitrary, where the employees had a patent conflict of interest in being decisionmakers in a dispute involving their employer.

Under city ordinances, city's landmarks commission was without authority to review the decision of the historic preservation district architectural review committee denying city's request to move a statute, where the architectural review committee failed to make the required written findings of fact to support its decision.