

Bond Case Briefs

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ZONING & PLANNING - VIRGINIA

Hartley v. Board of Supervisors of Brunswick County

Court of Appeals of Virginia, Richmond - February 13, 2024 - S.E.2d - 2024 WL 558069

Opponents sought judicial review of county zoning board's upzoning decision which rezoned a property from agricultural to business use to allow development of a retail store.

The Brunswick Circuit Court partially sustained board's demurrer, and then granted board's motion for summary judgment, denied opponents' motion for continuance, and issued final order. Opponents appealed.

The Court of Appeals held that:

- Board's deviation from comprehensive plan did not render its decision unreasonable as a matter of law;
- Board's failure to consider statutory factors did not render its decision arbitrary and capricious;
- Board met its burden to put forward evidence of reasonableness sufficient to make question fairly debatable;
- Timing of summary judgment was not an abuse of discretion;
- Board's failure to follow Virginia Department of Transportation (VDOT) guidelines did not render decision unreasonable as a matter of law;
- Board's alleged violation of county subdivision ordinance did not render its decision unreasonable as a matter of law; and
- Board's alleged violation of its own zoning ordinance did not render its decision unreasonable as a matter of law.