

# **Bond Case Briefs**

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## **ZONING & PLANNING - VIRGINIA**

### **Board of Supervisors of Fairfax County v. Leach-Lewis , Trustee of Rita M. Leach-Lewis Trust 18MAR13**

**Supreme Court of Virginia - June 20, 2024 - 902 S.E.2d 57**

Trustee for trust homeowner church organization filed petition for a writ of certiorari challenging the decision of the Board of Zoning Appeals which concluded that home in residential conservation district was being used as an “office” in violation of a zoning ordinance.

The Fairfax Circuit Court upheld the decision. Trustee appealed, and the Court of Appeals reversed with instructions to remand. The Supreme Court granted the county board of supervisors an appeal.

The Supreme Court held that:

- Zoning ordinance did not provide that a zoning case cannot proceed if evidence is unconstitutionally seized or contain a rule calling for exclusion of evidence;
- Exclusionary rule did not apply;
- Statute did not require court to consider zoning ordinance when considering whether house was illegally being used as an office; and
- Church’s use of houses it owned fell within the definition of “office.”