
ZONING & PLANNING - GEORGIA

Earnshaw v. Atlanta Urban Design Commission

Court of Appeals of Georgia - September 24, 2026 - S.E.2d - 2026 WL 2873167

Neighboring property owner petitioned for judicial review of decision by city urban design commission approving a variance allowing an adjoining property owner to construct a carport without the required yard setback.

The trial court granted motion to dismiss filed by city on behalf of itself and the commission, concluding that the neighboring property owner lacked standing. Neighboring property owner sought discretionary review, which was granted, and appealed.

The Court of Appeals held that:

- Decision by commission was a quasi-judicial decision, and thus issue of whether neighboring property owner had standing could be waived, and
- Issue of whether neighboring property owner had standing to challenge commission's decision was waived.

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