



Virginia Local Government Law

Virginia Supreme Court Opinions 9-16-10

By: Andrew McRoberts. *This was posted Thursday, September 16th, 2010*

The Virginia Supreme Court released two opinions directly impacting local government law today. Discussion of the two cases will follow in subsequent posts.

Here is the [Virginia Supreme Court's summary of the case opinions](#):

091502 Arogas, Inc. v. Frederick County Board of Zoning Appeals 09/16/2010 In a certiorari and declaratory judgment challenge to an action of a county enforcing an amended proffer made part of a rezoning of real property, petitioners failed to state a cause of action because Code § 15.2-2285(C) authorized the board of supervisors to make changes to proffers the landowners originally submitted after conducting a public hearing, and the landowners in this case agreed with changes made to the amended proffer after the public hearing. The circuit court also did not err by failing to interpret the proffer itself, or in ordering that the zoning administrator accept the site plan for review. The judgment of the circuit court is affirmed.

091590 County of Albemarle v. Keswick Club 09/16/2010 On remand from a prior appeal, the circuit court's reduction of an assessment for a private recreational club for two tax years was not reversible error. The circuit court's ruling as to the proper value for the taxpayer's property is not erroneous because it is not plainly wrong or without evidence to support it and, pursuant to Code § 58.1-3987, a circuit court may fix the assessment in accordance with the evidence. Any error in admission of certain contested evidence was harmless. The judgment is affirmed.

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