

Corporate & Financial Weekly Digest

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Eleventh Circuit Rejects Developer's Tortious Interference Claim Against Zoning Officer

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The U.S. Court of Appeals for the Eleventh Circuit affirmed the dismissal of a real estate developer's tortious interference claim against a zoning officer who "re-reviewed" and rejected the developer's project applications.

Developer Forum Architects LLC, and its partner Isaac Walton Investors, LLC, submitted six project applications to a zoning officer of Yankeetown, Fla. That zoning officer sent a letter to town officials indicating that the applications were in order but did not submit formal certificates of approval. After the first zoning officer resigned, a second Yankeetown zoning officer reviewed the applications and rejected five of them. Forum Architects sued the second officer for tortious interference, alleging that the officer was biased against commercial development and was not authorized to "re-review" the previously approved plans. The district court granted the zoning officer's summary judgment motion, and Forum Architects appealed.

Forum Architects argued that its allegations raised triable issues of fact regarding the zoning officer's alleged bias and intentional interference with the firm's construction contracts. The Eleventh Circuit disagreed, holding that the zoning officer was entitled to review any unapproved development applications and that the absence of formal certificates of approval warranted dismissal of the developer's claim. (*Forum Architects LLC v. Jetton*, 2010 WL 4358386 (11th Cir. Nov. 4, 2010))

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