
A 33-acre parcel of land was zoned A-1, Agricultural-Rural, and was completely surrounded by other land zoned A-1. Wanting to build a truck repair shop, the landowners petitioned to have the parcel rezoned to B-1, General Business. The county commissioners granted the rezoning, based on the advice of the planning commission. Neighboring property owners appealed the rezoning, claiming that it was spot zoning. The county circuit court found that the property had been spot zoned for the following reasons:

1. The property was not indistinguishable from surrounding properties;
2. The comprehensive plan showed future use of the property as residential rather than commercial;
3. The rezoning was for the sole benefit of the property owners; and
4. The rezoning did not support a reasonable relationship to health, safety, or general welfare of the community.

Spot Zoning

A city lot was zoned R-2, Residential. Wanting to construct a building for five individual businesses (drugstore, hardware store, grocery store, bakery, and beauty salon), the landowner petitioned to have the parcel rezoned to B-3, Business. More than seventy neighborhood residents opposing the application filed a petition with the city council. Despite opposition, the city council voted to approve the zoning amendment because there was a need for a shopping center within the community and it was the city council's policy to encourage decentralization of business in order to relieve traffic congestion.

The neighborhood opposition contested the rezoning and the circuit court found that the city council's actions amounted to spot zoning. On appeal to the state Supreme Court, the decision was reversed. It was held that the city council did not abuse their discretion in granting the zoning amendment because the decision was justified as furthering the city's properly adopted comprehensive plan and served the best interests of the community as a whole. Additionally, there was no evidence that property values would be affected.

Footnotes

¹ Anderson's American Law of Zoning, 4th Ed., § 5.12 (1995).

² West Virginia Code §§ 8A-7-8, 8A-7-9