

Tennessee Zoning Cases by Date and Topic

List of Tennessee Zoning Cases by Date

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Mobile Home

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Ingress/Egress

Non-profit commercial activities

Quarry

Auto Salvage/Junkyard

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Tennessee Zoning Cases Chronologically

1. State v Newton, 3 Tenn. C. C. A. 93 (1912)
2. Spencer-Sturla v City of Memphis, 155 Tenn. 70,290 S.W. 2d 608 (1926) Zone change--this is the first significant zoning ordinance in Tennessee
3. White v Gulf Refining Company, 156 Tenn. 474, 2 S.W. 2d 414 (1928)
4. Schevenell v Memphis, 8 Tenn. App. 22 (1928)
5. McKelley v Murfreesboro, 162 Tenn. 304, 36 S.W. 2d 99 (1931)
6. Higgs v City of Martin, 164 Tenn. 465, 51 S.W.2d 237 (1932) Service station w/i 300 feet of other uses.
7. State ex rel. Lightman v City of Nashville, 166 Tenn 191, 60 S.W. 2d 161 (1932) ZC: referral to MPC.
8. Qualls v City of Memphis, 15 Tenn. App. 575 (1932) Variance.
9. City of Memphis v Qualls, 16 Tenn. App. 387 64 S.W. 2d 584 (1933) Variance
10. Bubis v City of Nashville
174 Tenn 134, 124 SW 2d 238 (Tenn by Cook, Feb 4, 1939)
[Yokley]
11. Dooley v. City of Cleveland, 175 Tenn. 439, 135 S.W. 2d 649

- (1940) Street vendors: ice cream
12. *Howe Realty Company v City of Nashville*, 176Tenn. 405, 141 S.W. 2d 904 (1940) Vested rights and equitable estoppel
 13. *City of Knoxville v Peters*, 183 Tenn. 93, 191 S.W.2d 164 (1945) Enforcement: standing
 14. *Davidson County v Rogers*, 184 Tenn. 327, 198 S.W.2d 812 (1946) Zone Change: original zoning
 15. *Meador v City of Nashville*, 188 Tenn. 441, 220 S.W.2d 876 (1949) Accessory out-bldg on residential lot exclusion upheld.
 16. *Rawlins v Braswell*, 191 Tenn. 285, 231 S.W.2d 1021 (1949) ZC: invalidated old service station ordinance in favor of zoning
 17. *Brooks v City of Memphis*, 192 Tenn. 371, 241 S.W.2d 432 (1950) Downzoning: (B Res & C Comm to A Res) upheld.
 18. *Red Acres Improvement Club v Burkhalter*, 193 Tenn. 79, 241 S.W.2d 921(1951) Home occupation
 19. *Henry v White*, 194 Tenn. 192, 250 S.W.2d 70 (1952) ZC overturned.
 20. *Henry v White*, 195 Tenn. 383, 259 S.W.2d 862 (1953) Procedural.
 21. *City of Knoxville v Brown*, 195 Tenn. 501, 260 S.W.2d 264 (1953) Enforcement: Interpret: ejusdem generis
 22. *Arendale v Rausch*, 196 Tenn. 374, 268 S.W.2d 102 (1954)

Cert petition too late (use variance granted)

23. Grant v McCullough, 196 Tenn. 671, 270 S.W.2d 317 (1953)
(spot zoning)
24. Clapp v Knox County, 197 Tenn. 422, 273 S.W.2d 694 (1951)
(rezoning upheld and notice)
25. White v Henry, 199 Tenn. 219, 285 S.W. 2d 353 (1955) ZC
upheld
26. Davidson County v Harmon, 200 Tenn. 575, 292 S.W. 2d
777 (by Burnett; July 20, 1956) State immunity to local zoning
ordinances.
27. Hickerson v Flannery, 42 Tenn. App. 329, 302 S.W. 2d 508
(1956) Ct aff'd issuance of CUP (involves the Sequoia Club)
28. City of Nashville v Askew, Tenn App by Hickerson Oct 6,
1959. Enforcement action and city lost.
29. City of Norris v Bradford, 204 Tenn. 319, 321 S.W. 2d 543
(1959) Front yard fences -- aesthetics not enough
30. State ex rel. Wright v. City of Oak Hill, 204 Tenn. 353, 321
S.W. 2d 557 (1958) Enforcement: bldg permit improperly
refused.
31. Moore v Memphis Stone and Gravel Company, 47 Tenn. App.
461, 339 S.W. 2d 29 (1959) Enforcement
32. City of Memphis v Sherwood Building Company, 208 Tenn.
17, 343 S.W. 2d 869 (1961) Downzoning invalidated

33. State ex rel. Morris v City of Nashville, 207 Tenn. 672, 343 S.W. 2d 847 (1960) Enforcement: mobile home (Yokley & Jennings)
34. Hagan v Slaughter, 49 Tenn. App. 338, 354 S.W. 2d 818 (1961) Enforcement: junk yard
35. State ex rel. Smith v City of Nashville, 51 Tenn. App. 23, 364 S.W. 2d 106 (1962) Mobile Home (Yokley)
36. Davidson County v Hoover, 211 Tenn. 223, 364 S.W. 2d 879 (1962) Accessory use: beauty shop
37. Carter v Board of Zoning Appeals of the City of Nashville, 214 Tenn. 42, 337 S.W. 2d 914 (1964) Variances Time frame within which to appeal under the common law writ of certiorari
38. Reddoch v Smith, 214 Tenn 213, 379 SW 2d 641 (by Burnett, May 8, 1964) The granddaddy of all variance cases
39. Schneider v Lazarov, 216 Tenn. 1, 390 S.W. 2d 197 (1965) estoppel and vested rights
40. Holredg v City of Cleveland, 218 Tenn. 239, 402 S.W. 2d 709 (1965) zone change
41. Ruckhart v Schubert, 223 Tenn. 215, 443 S.W. 2d 466 (1969) ZC: merits not discussed
42. Stevenson v Palmer, 448 S.W.2d 67 (Tenn. 1969) Variance: conditions
43. Ruckhart v Schubert, 224 Tenn. 139, 451 S.W. 2d 682, (1970)

ZC upheld

44. Bayside Warehouse Company v City of Memphis, 470 S.W. 2d 375 (Tenn. App. 1971) Downzoning overturned
45. Shatz v Phillips, 225 Tenn. 519, 471 S.W. 2d 944 (1971) No basis for use restriction
46. Glankler v City of Memphis, 481 SW 2d 376 (Tenn by McCanless, June 5, 1972) Variance
47. Houston v Memphis and Shelby County Board of Adjustment 488 SW 2d 387 (Tenn App WS by Matherne; July 26, 1972) Variance
48. State ex rel. Poteat v Bowman, 491 S.W. 2d 77 (Tenn. 1973) Site plan(?) -- must go to BZA b/f appeal (Yokley)
49. City of Oak Hill v State ex rel. First Christian Church, 492 S.W.2d 915 (Tenn. 1973) Enforcement: interpretation
50. Union Trust Co v Williamson County BZA, 500 SW 2d 608 (Tenn by Fones, Oct 1, 1973) Variance
51. Haymon v City of Chattanooga, 513 S.W. 2d 185 (Tenn. App. 1973) Conditional zoning
52. Jagendorf v City of Memphis, 520 S.W. 2d 333 (Tenn. 1974) ZC: 4/5ths vote w/ 20% protest
53. Harrell v Hamblen County Quarterly Court, 528 S.W. 2d 205 (Tenn. App. 1975) CUP -- mobile homes
54. Wilgus v City of Murfreesboro, 532 S.W. 2d 50 (Tenn. App.

1975) Zone change and circumstances under which re-referral must be made to MPC.

55. Maple Manor v The Metropolitan Government of Nashville and Davidson County, 543 S.W. 2d 593 (Tenn. App. 1975) Road closing
56. Mobile Home City of Chattanooga v Hamilton County, 552 S.W. 2d 86 (Tenn. App. 1976) Mobile Home: 5 acraa minimum lot size
57. England v Metropolitan Board of Zoning Appeals, Davidson County Chancery, Chancellor Ben Cantrell; variance reversed; lack of findings of fact. A-6014-A (1976)
58. Griffin v Metropolitan Board of Zoning Appeals, Davidson County Chancery, Chancellor Allen High; non-conforming use; A-5886 (1976)
59. Metropolitan Council v Metropolitan Board of Zoning Appeals, Davidson County Chancery, Chancellor Robert Brandt; variance sustained upon insufficient proof; A-6291. (1976)
60. Barnett v Memphis and Shelby County Board of Adjustment, 2 TAM 7-16 (WS Ct Apps by Matherne; Dec 29, 1976; appeal den. cro (1976) variance reversed. Good language in opinion concerning uniqueness of the land as a necessary criterion for variance.
61. Campbell v Nance, 555 S.W. 2d 407 (Tenn. App. 1976) ZC denied by LLB + rev'd by Ct
62. Torbett v Anderson, 564 S.W. 2d 676 (Tenn. App. 1978) Auto

repair impermissible in res area.

63. McClurkan v Metropolitan Board of Zoning Appeals, 565 S.W. 2d 495 (Tenn App MS by Drowota; April 1, 1977) Variance
64. City of Gallatin v Sumner County BZA, Tenn App MS by Shriver, July 29, 1977. This case calls the application a variance but it sounds more like a conditional use permit.
65. Draper v Haynes, 567 S.W. 2d 462 (Tenn. 1978) Subdivision
66. Creative Displays of Knoxville, Inc., v City of Pidgeon Forge, 576 S.W. 2d 356 (Tenn. App. 1978) NCFU
67. Bomar v Metropolitan Board of Zoning Appeals, Davidson County Chancery, Chancellor Allen High, CUP denied b/c of failure to comply with all specific conditions; (1978)
68. South Central Bell v Metropolitan Government, Davidson County Chancery, Chancellor High,(1978) CUP / special public facilities
69. Duzak v Smith, 4 TAM 6-6 (Tenn App MS by Drowota; Jan 15, 1979) Denial of Variance upheld [Robert Rutherford]
70. Metropolitan Government v Kochinko, Davidson County Chancery, Chancellor Brandt, adult entertainment / (1979)
71. Fiser v City of Knoxville, 584 S.W. 2d 659 (Tenn. App. 1979) ZC denied by LLB + upheld
72. Sexton v Anderson County, 587 S.W. 2d 663 (Tenn. App. 1979) CUP for sanitary landfill

73. *Robilio v Bridger*, 4 TAM 35-18 (Tenn App WS by Summers; Aug 3, 1979) No notice necessary for approval of subdivision plat.
74. *Towe v City of Hendersonville*, 5 TAM 4-10 (Tenn App MS by Lewis; 1979) Repeal of cluster zoning provision; equitable estoppel.
75. *State ex rel. Collier v City of Pidgeon Forge*, 599 S.W. 2d 545 (Tenn. 1980) ZC pursuant to annexation upheld
76. *Tillman v City of Germantown*, 601 S.W. 2d 35 (1980) Enforce
77. *Foley v Hamilton*, 603 S.W. 2d 151 (Tenn. App. 1980) Subdivision
78. *Horrell v Young*, Davidson County Chancery Court, Chancellor Brandt, failure of the Board to timely file transcript (1980)
79. *Hirshenberg v Metropolitan Board of Zoning Appeals*, Davidson County Chancery, Chancellor Brandt, (1980) use variance.
80. *Warner v Metropolitan Board of Zoning Appeals*, Davidson County Chancery Court, Chancellor Brandt, CUP / (1980)
81. *Woodmen of the World v Metropolitan Board of Zoning Appeals*, Davidson County Chancery Court, Chancellor Ben Cantrell, Conditional use permit (1980) [GAD]
82. *Schott v Metropolitan Board of Zoning Appeals*, Davidson County Chancery Court, Chancellor Brandt, variance reversed, (1980) and case sustained on appeal, see below.

[GAD]

83. Sherrill v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Brandt, very unusual case, 1980. [GAD] See also case # 96
84. Denny v Neal, 6 TAM 12-8 (MS Ct App by Cantrell; Feb 4, 1981) Abandonment of NCFU
85. Schott v Metro Board of Zoning Appeals, 6 TAM 21-6 (Tenn App MS by Todd, March 26, 1981) [GAD]
86. State of Tennessee v Smith, 618 S.W. 2d 474 (Tenn. 1981) Highway beautification case; court seems to say that aesthetics alone may justify police power regulation.
87. State ex rel C & S Builders v Fairview Municipal Planning Commission, July 28, 1981; MS by Cantrell. Subdivision approval where MPC fails to act w/i 30 days.
88. Rives v City of Clarksville, 618 S.W. 2d 502 (Tenn. App. 1981) Amortization of a NCFU.
89. Barret v County of Shelby, 619 S.W. 2d 390 (Tenn. App. 1981) General plan importance (almost nil). ZC upheld
90. Davis v Metropolitan Government, 620 S.W. 2d 532 (Tenn. App by Todd; 1981) Enforcement
91. Davis v Blount County Beer Board, 621 S.W. 2d 149 (Tenn. 1981) This beer board case has implications for land use planning law particularly in the area of certiorari)
92. Pakrul v Barnes, 631 S.W. 2d 436 (Tenn. App. 1981)

Rescission of real estate contract based on misrepresentation as to zoning denied

93. Piper v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Brandt, denial of variance sustained; (1981) [GAD]
94. Belmont-Hillsboro Neighbors v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Kilcrease, grant of variance sustained; (1981) [GAD]
95. Metropolitan Government v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Kilcrease, Board finding on a legally non-conforming use reversed (1981)
96. Sherrill v Metropolitan Government, Tenn App MS by Todd; Aug 17, 1981. [GAD] See also case # 83
97. State of Tennessee ex rel Cowetta News v City of Memphis, 6 TAM 44-14 (Tenn App WS by Matherne; Sept 8, 1981) Adult entertainment
98. Herrin v Liles d/b/a Liles Construction Company, 6 TAM 6 -? (Tenn App ES by Franks; Dec 19, 1981) Storage of construction equipment is not an accessory to residential uses.
99. State of Tennessee ex rel. Chemical Waste Services v Konigsberg, 636 S. W. 2d 430 (Tenn. 1982) Estoppel and vested rights.
100. Nichols v Tullahoma Open Door, 640 S.W. 2d 13 (Tenn. App. 1982) Group homes

101. Tamberino v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Kilcrease, home occupation or accessory use denied by MBZA and affirmed by Court (1982) [GAD]
102. Royal Oaks Homeowners Association v City of Franklin, Williamson County Chancery Court, permit revocation (1981) but heard by Chancellor High
103. Womble v Smith, Tenn App MS by Lewis; May 1982. Enforcement action w/ annexation background.
104. Biggs v Metro BZA, 7 TAM 27-17 (Tenn App WS by Matherne; May 18, 1982) [GAD] Variance
105. Prahl v Knox County, 7 TAM 30-16 (Tenn App WS at Knoxville by Summers; June 9, 1982) Zone change.
106. Tinsley Enterprises v City of Knoxville, 7 TAM 32-16 (Tenn App ES by Goddard; June 25, 1982) Zone change.
107. Burns v Metro Board of Zoning Appeals, July 13, 1982, MS by Lewis. This is a CUP involving the David Lipscomb property, the athletic complex.
108. Pizza Hut v Sevierville BZA, 7 TAM 38-12 (Tenn App by Franks; Aug 12, 1982) Variance
109. Action for Animals v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor High, review of decision of zoning administrator (commercial use in residential zone district) (1982)

110. Fallin v Knox County Board of Commissioners, 656 S.W. 2d 338 (Tenn. 1983) ZC upheld
111. Merrit v Wilson County BZA, 656 SW 2d 846 (Tenn App 1983) CUP for apartment complex [GAD]
112. Foley v Hamilton, 659 S.W.2d 356 (Tenn. 1983) Subdivision
113. Moser-Biddle Corporation v Town of Farragut, 8 TAM 37-11 (Tenn App WS at Knoxville by Crawford; Aug 5, 1983). Civil rights claim
114. Samples v Sharp, 8 TAM 39-13 (Tenn App WS by Crawford; Aug 25, 1983) Ct affirms denial of variance for a carport
115. Mullins v City of Knoxville, 665 S.W. 2d 393 (Tenn. App. 1983) PUD or CUP (?)
116. Nance v City of Memphis, 672 S.W. 2d 208 (Tenn. App. 1983) See also #188 PUD or CUP (?)
117. Treadway v Steine, Davidson County Circuit Court, Judge Everitt, manner of adoption of Comzo (1983)
118. Hamilton Bank of Johnson City v Williamson County Regional Planning Commission, 729 F. 2d 402 (6th Cir. 1984) (this is same case as US Supreme Court case by same name)
119. AME, Inc. v Metropolitan Board of Zoning Appeals, Davidson County Circuit Court, Judge Kurtz, constitutionality of COMZO (1984)
120. State ex rel. SCA Chemical Services Inc, v Sanidas, 681 S.W. 2d 557 (Tenn. App. 1984)

121. Keeton v City of Gatlinburg, 684 S.W. 2d 97 (Tenn. App. 1984) ZC denied by LLB and upheld.
122. State ex rel Williamson County Planning Commission v Luna, Nov 1, 1984, opinion by Koch; suit to collect on bonds posted by developer; developer wins b/c all requirements had been met.
123. EE Rivers v Goodlettsville BZA, 10 TAM 7-11 (Tenn App MS by Cantrell; Jan 11, 1985) Sign case and altho Judge Cantrell mentions variances, it appears that the most significant aspect of the case was an administrative interpretation of the Goodlettsville ordinance.
124. Redbud Cooperative Corporation v Clayton, 700 S.W. 2d 551 (Tenn. App. 1985) Real estate PUD
125. Brooks v Fisher, 705 S.W. 2d 135 (Tenn. App. 1985) Site plan review.
126. Smith v City of Forest Hills, Feb 13, 1985; MS by Todd; NCFU and TCA 13-7-208. Reese Smith loses this one.
127. Cookeville Board of Zoning Appeals v Terry, 9 TAM 7-14 (Tenn App MS by Conner; Nov 18, 1985) excellent discussion of certiorari procedure
128. Ballin v Tooley, 10 TAM 36-15 (Tenn App WS by Highers; Aug 9, 1985) subdivision approved
129. Steele v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Brandt, conditional use permit, Italian Street Fair (1985) See also case # 135

130. Stone Man v Rutherford County Regional Planning Commission, 10 TAM 5-7 Court of Appeals, MS, Judge Koch, (1985) Rock quarry; conditional use permit
131. City of Chattanooga v Muse, July 16, 1985; ES by Franks. Non-profit commercial activity not allowed in residential district.
132. Hayes II v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Brandt, CUP, (1985) [GAD]
133. Jones v Milan BZA, 11 TAM 4-7 (Tenn App WS by Nearn; Dec 9, 1985) Variance case [Susan McGannon]
134. Hamilton Bank v BZA, 11 TAM 21-16 (Tenn App ES by Parrott; April 1, 1986) Variance
135. Steele v Metro BZA, 11 TAM 21-32 (Tenn App MS by Cantrell; April 2, 1986) CUP -- see also case # 129; 841 SW 2d 324 (Tenn. App. 1992)
136. Hite v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor High,(1986) CUP
137. Morrison v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor High, (1986) CUP [GAD]
138. SMS Community Housing v Memphis and Shelby County Board of Adjustment, (WS Ct Apps June 17, 1986 by Farmer). Special use; group home.

139. Belmont-Hillsboro Neighbors v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor High, variance grant reversed; (see below) (1986)
140. State ex rel Stones River Realty v Rutherford County Regional Planning Commission, Dec 15, 1986; Supreme Ct per curiam. Apartment site plan review.
141. Clouse v Cook, MS Ct App April 24, 1987 by Tatum w/ Cantrell in dissent; mobile homes and TCA 13-7-208. See also case # 145
142. Knox County v Advantage Outdoor Advertising, Oct 7, 1987, opinion by Inman for Eastern Section (300 ft separation requirement enforced as of date of substantial construction rather than issuance of permit date)
143. Rains v Knox County Board of Commissioners, Oct 9, 1987, opinion by Farmer for Western Section (rezoning and standing)
144. Lake County v Truett, 758 S.W. 2d 529 (Tenn. App. 1988) Subdivision
145. Clouse v Cook, 1988 Tenn Lexis 72 (April 18, 1988) by Justice Fones; involves mobile home park and TCA 13-7-208. See also case # 141
146. Rutherford Creek Community Planning Commission v Smith, 1988 Tenn Lexis 97 (5-2-88) Enforcement [GAD]
147. Evans d/b/a Riverwood Riding Academy of Nashville v Nashville Banner, 1988 Tenn App Lexis 638 (Oct 12, 1988); testimonial immunity for witness in zoning board hearing.

148. Ski Chalet Village Owners Association v First National Bank, 1988 Tenn App Lexis 642 (Tenn App ES by Lewis; Oct 17, 1988) Variance
149. Metro Historic Commission v Colony Associates, 13 TAM 46-17, 1988 Tenn App Lexis 654 (Tenn App MS by Todd, Oct 19, 1988) Variance [GAD]
150. New Horizons v Metropolitan Government, 89-5253 6th Circuit Court of Appeals Group home equal protection case. (3-16-90)
151. Baker v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor High, grant of variances affirmed; Court of Appeals reversed, see below (1988) See also case on appeal, #157.
152. Taylor v Metropolitan Planning Commission, Davidson County Chancery Court, Chancellor Kilcrease, subdivision denial reversed, (1988) [GAD]
153. Alexander v Metropolitan Board of Zoning Appeals, Court of Appeals, MS, Judge Cantrell, unusual set of subdivision facts (1988)
154. Benton v City of Chattanooga, 1988 Tenn App Lexis 454 (Tenn App ES by Sanders; 1988) zone change
155. Father Ryan v City of Oak Hill, Davidson County Chancery Court, Chancellor Kilcrease, (1988) CUP grant affirmed.
156. Father Ryan v City of Oak Hill, Court of Appeals, ES, Judge Franks, (1988) CUP grant affirmed. 774 S.W.2d 184 (Tenn.

App. 1988)

157. Baker v Metropolitan Board of Zoning Appeals, 14 TAM 9-20, 1989 Tenn App Lexis 36 (Tenn App WS by Crawford Jan 20,1989) Variance grant overruled. See also case below at #151.
158. Chickering Ventures v Metropolitan Government, Court of Appeals, Judge Cantrell, subdivisions and vested rights.
159. Smith v Phillips, Davidson County Chancery Court, Chancellor Brandt, ownership dispute (1988)
160. Noise v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Brandt, CUP affirmed. (1989) See Court of Appeals decision #171
161. Gospel Tabernacle Learning Center v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor Kilcrease, denial of CUP reversed (1988)
162. Rogers v Knox County, 13 TAM 49-17, Court of Appeals, ES, Judge Inman, (1988) zone change
163. McCallen v City of Memphis, 13 TAM 34-23, Court of Appeals, WS, Judge Crawford, (1988) Denial of PUD affirmed; this case is reversed in 786 S.W.2d 633 (Tenn. 1990)
164. Howard v Testerman, 14 TAM 2-20, 1988 Tenn App Lexis 775, Court of Appeals, MS, Judge Ben Cantrell, (1988) denial of PUD affirmed.
165. David J. Joseph Company v Bailey, 14 TAM 5-19, Court of Appeals, WS, Judge Highers, (1988) This looks like a CUP

(use permitted on appeal)which was denied by local legislative body sitting as an administrative body, reversed by trial court, but appeals court reversed trial court and affirmed local legislative body.

166. Fields v White, 14 TAM 11-16, 1989 Tenn App Lexis 64 (Tenn App MS by Judge Ben Cantrell; 1989) Expansion of non-conforming use
167. City of Gatlinberg v Maples, 14 TAM 18-20, 1989 Tenn App Lexis 197 (Tenn App ES by Inman; March 17, 1989) non-conforming use
168. Corlew's Auto Salvage v Murfreesboro Board of Zoning Appeals, 1989 Tenn App Lexis 380 (Tenn App MS by Todd; May 24, 1989) Enforcement and interpretation
169. Town of Somerville v Glover, 14 TAM 31-16, Court of Appeals, WS, Judge Farmer, (1989) nonconforming use
170. Eatherly v Metropolitan Board of Zoning Appeals, 14 TAM 51-14, Court of Appeals, MS, Judge Koch (1989) CUP denial affirmed.
171. Noise v Metropolitan Board of Zoning Appeals, 15 TAM 5-8, Court of Appeals, MS, Judge Franks (1989) CUP properly granted. See also case referenced above, at the trial court level, #160.
172. Westmeade Homeowners Association v WPMC, 15 TAM 5-19, Court of Appeals, MS, Judge Ben Cantrell, (1989) dedication.
173. Rebound Inc. v Goodlettsville Board of Zoning Appeals, 15 TAM 3-10 (Tenn App by Lewis; Dec 13, 1989) Variance;

- vested rights; Cantrell concurred, disagreed with analysis.
174. *McCallen v City of Memphis*, 786 S.W. 2d 633 (Tenn. 1990)
PUD review case.
 175. *City of Chattanooga v Myers*, 787 S.W. 2d 921 (Tenn. 1990)
This is the jury on city ordinance violations case.
 176. *West Meade Homeowners Association v WPMC*, 788 S.W. 2d 365 (Tenn. App. 1989)
 177. *Rutledge v Gallatin Board of Zoning Appeals*, 15 TAM 22-12 (Tenn. M.S. App. 1990) This is a very muddled case; it is unclear whether it involves a variance or a conditional use permit.
 178. *Grandt v. Trousdale County*, 15 TAM 28-19 (Tenn App MS by Todd; 1990) Very muddled case because of omissions of counsel; some good observations on the role of certiorari in Tennessee.
 179. *KLN Associates v Metro Development and Housing Agency*, 797 S.W. 2d 898 (Tenn. App. 1990)
 180. *Tennessee Manufactured Housing Association v Metropolitan Government*, 798 S. W. 2d 254 (Tenn.App. 1990) Double-wide mobile homes statutorily permitted in residential zones.
[GAD]
 181. *Robertson County v Browning - Ferris Industries*, 799 S.W. 2d 662 (Tenn. App. 1990) Exclusionary zoning for landfill
 182. *Oakley v Simmons*, 799 S.W. 2d 369 (Tenn. App. 1990) MS by Cantrell; nuisance air strip case.

183. State ex rel. Browning - Ferris Industries, v Board of Commissioners of Knox County, 806 S.W. 2d 181 (Tenn. App. 1990) Invalidates ordinance b/c not sent to MPC, and no appeal to LLB
184. Angelo v Cook, 15 TAM 23-14, Court of Appeals, ES, Judge Inman, (1990) standing for private enforcement
185. Gregory v Metropolitan Board of Zoning Appeals, Davidson County Chancery Court, Chancellor High, (1990) Conditional use permit; reversed on appeal, see also case #156
186. Cooper v Town of Clinton, 15 TAM 34-7, Court of Appeals, ES, Judge Inman, (1990) zone change (interesting because B contends that local legislative body had duty to investigate before enactment; Court not only dismisses but finds the appeal frivolous.
187. Nixon v City of Chattanooga, 15 TAM 45-17, Court of Appeals, ES, Judge Inman (1990) zone change
188. Nance v City of Memphis, 15 TAM 17-20, Court of Appeals, Judge Highers, (1990) Conditional use permit; see also previous case, at #116.
189. Loftin v Langsdon, 813 S.W. 2d 475 (Tenn. App. 1991) Large lot subdivision
190. AG opinion on Subdivisions, 16 TAM 12-52, Opinion U91-19 (1991)
191. Baird v Smith, 16 TAM 1-10, Court of Appeals, WS, Judge Highers (1990) Restrictive covenants

192. *Bivens v Ballenger*, 15 TAM 53-8, Court of Appeals, WS, Judge Farmer (1990) nuisance and anticipatory injunction
193. *Gregory v Metropolitan Board of Zoning Appeals*, 16 TAM 12-16, Court of Appeals, MS, Judge Todd (1991) Conditional use permit; reversing decision below, see case #148.
194. *Hunter v Gallatin Board of Zoning Appeals*, 16 TAM 13-6, Court of Appeals, WS, Farmer (1991) Conditional use permit for mobile home park
195. *Loftin v Langsdan*, 16 TAM 18-9, Court of Appeals, MS, Judge Lewis (1991) Subdivision
196. *PEP Properties v Town of Farragut*, 16 TAM 20-17 (Tenn App ES by Judge Inman; April 10, 1991) Vested rights
197. *Marsden v Metropolitan Board of Zoning Appeals*, 16 TAM 22-21 (Tenn App MS by Todd; May 1, 1991) Conditional use permit for church
198. *Robertson v Knox County*, 16 TAM 47-8, Court of Appeals, ES, Judge Sanders (1991) Technically, the case involved a "use permitted on review" which appears to be much akin to a planned unit development. But the case could also help in CUP cases.
199. *State ex rel Byram v City of Brentwood*, 833 SW 2d 500 (Tenn App 1991) Subdivision approval; no mandamus permitted.
200. *Whittemore v Brentwood Planning Commission*, 835 SW 2d 11, Court of Appeals, MS, Judge Koch (1991) Site plan approval (using mandatory referral statute)

201. Hodges v Reid, 836 SW 2d 120 (Tenn App 1992) Tort liability of planner and commission on subdivision.
202. Sanders v Angie Properties, 834 SW 2d 332 (Tenn. App. 1992) Opinion by Ben Cantrell; case involved NCFU; whether property owner could raise NCFU as affirmative defense in injunction action; court below (Connie Clark) said no.
203. Witherspoon v Metropolitan Government, 1992 Tenn. App. Lexis 284; MS by Todd. Enforcement intertwined w/ Sessions case.
204. Rogers Group, Inc., v County of Franklin, 17 TAM 21-15 (Tenn. App. 1992) opinion by Judge Farmer. Quarry case; interpretation and enforcement general requirements in conditional use permit.
205. Robison v Metro Government, 1992 Tenn App Lexis 731, Aug 26, 1992; MS by Koch; signs.
206. Hedgepath v Norton, 839 SW 2d 416 (Tenn App 1992); WS by Farmer; Reversed grant of CUP.
207. Town of Surgoinsville v Sandidge, 866 SW 2d 553 (Tenn App 1993) ES by Sanders; text amendment concerning mobile homes not validly adopted where no publication after passage, and there was not at least 15 days notice of the hearing b/f the LLB.
208. Copeland v City of Chattanooga, 866 SW 2d 565 (Tenn App 1993) Conditional re-zoning.

209. *Evans v Metro Planning Commission*, 1993 Tenn App Lexis 604. MS by Cantrell. Minor vs major revision in a PUD.
210. *Hemontolor v Wilson County BZA*, 883 SW 2d 613 (Tenn. App. 1994); 1994 Tenn App Lexis 75, Feb 18, '94; CUP w/ conditions.
211. *Haynes v City of Pigeon Forge*, March 2, 1994, 1994 Tenn App Lexis 98; ES Ct App by McMurray; NCFU provision in local ordinance invalid b/c not submitted to MPC; however, ct implies that 13-7-208(f) is unconstitutional as exempting Pigeon Forge from the provisions of the act.
212. *Hoover v Metropolitan Board of Zoning Appeals*, June 15, 1994 (Not a very significant case; court ordered that lower court reach a decision on the merits; that denial for lack of votes was appropriate; that no findings of fact were necessary) [GAD]
213. *Thompson v Knox County Board of Adjustment*, 1994 Tenn App Lexis 404 (July 28, 1994 by Franks). Parking lot sweeping company keep trucks on 4 acres used as residence and court rejects this as a home occupation.
214. *Boles v City of Chattanooga*, 892 SW 2d 416 (Tenn App. 1994) involuntary discontinuance of a non-conforming use
215. *Brannon v Shelby County*, 20 TAM 3-25 (Tenn App 1994): time within which to appeal runs from decision of legislative body rather than from request for reconsideration (this is an interesting case -- what does it foreshadow for reconsideration by the MBZA of an MBZA action -- I think nothing but one can't be sure!) 900 SW 2d 30 (Tenn App 1994)

216. Hillsboro-West End Neighborhood Association v MBZA, Feb 24, 1995; WS Ct App per Highers; church variance and CUP.
217. East Brooks Books v City of Memphis, 48 F 3d 220 (6th Cir. 1995) Interesting case involving TCA 13-7-208 and non-conforming adult bookstore.
218. Davis Group MC v Metro Government, May 3, 1995; MS Ct App per Todd; PUD (see #222) [GAD]
219. Parker v Hamblen County Planning Commission, 20 TAM 24-22 (Tenn App ES by McMurray; May 23, 1995). Denial of zone change upheld.
220. Old North Knoxville v Knoxville BZA, 20 TAM 26-14, 1995 Tenn App Lexis 360 (ES by Sanders, May 31, 1995)
221. O'Dell v Johnson City, 20 TAM 26-15, 1995 Tenn App Lexis 375 (Tenn App ES by Goddard; June 2, 1995) Contract & Conditional zoning
222. Davis Group MC v Metro Government, 912 SW 2d 178 (Tenn App MS by Todd; Nov 1, 1995) PUD (see #218 -- this case slightly alters the opinion in case #218 -- to the effect that the LLB cannot retain discretion to deny PUD if all conditions have been met) [GAD]
223. Hoover v Metropolitan Board of Zoning Appeals, Jan 5, 1996 (Middle Section as per Lewis); follow-up to #212; interesting case because MBZA is reversed as a result of board member misconduct.
224. Ragan v Madison County BZA, 1996 WS Ct App; NCFU; see Fields v White, #166.

225. Hovenden v City of Gallatin, MS Ct App 1996 as per Todd; PUD grant upheld.
226. [Carter v Green County](#), Ct App 1996; zone change.
227. First American Bank v Franklin Municipal Planning Commission, MS Ct App 1996. Delay in considering site plan approved by court b/c no bldg permit let alone subst construction.
228. Westland West Community Association v Knox County, May 22, 1996; ES Ct App by Susano; zone change.
229. Lions Head Condominiums v Metro Board of Zoning Appeals, July 29, 1996; Davidson County Chancery, Kilcrease; conditional use permit -- interpretation of conditions
230. Tumen v Metro Board of Zoning Appeals, Sept 10, 1996; Davidson County Chancery Court; Kilcrease; zoning variance illegal because self-created. Later the court allowed for attorneys' fees under § 1983
231. Cone Oil v Williamson County, Aug 16, 1996; WS Ct App by Inman; conditional use by Planning Commission
232. City of Church Hill v Taylor, Oct 22, 1996; ES Ct App by Goddard; subdivision definition
233. Mormons v Forest Hills
234. Hoover v. Metropolitan Board of Zoning Appeals, 955 SW 2d 52 (Tenn. App. 1997)

235. Greenback Crushed Stone v
236. Family Golf v Metro Government, 964 SW 2d 264 (Tenn. App. 1997) – general plan case
237. Chadwell v Knox County (demolition landfill – use permitted on review) CUP
238. Lions Head Homeowners’ Association v Metro Bd of Zoning Appeals, 968 SW 2d 296 (Tenn. App. 1997). CUP and interpretation of ordinance.
239. Harpeth Valley Utilities District v Metro, 1998 Tenn. App. 384.
240. Day v City of Decherd
241. Maddox v Loudon County Zoning Board, 1998 Tenn. App. 858 (Eastern Section, Goddard) Challenge to zoning board’s denial of a variance.
242. MC Properties v City of Chattanooga, 1999 Tenn. App. Lexis 51 (Eastern Section, Judge Franks) zone change denial upheld. 994 S.W. 2d 132(Tenn. App. 1999) waiting for development of infrastructure is appropriate.
243. McDonald’s v Martin, 1999 Tenn. App. Lexis 140 (Western Section, Inman) Litigation over McDonald’s sign; McDonald’s sued originally when sign was denied; but settlement with city was reached. Neighbors then sued, but court holds that it was filed too late.
244. United Neighbors v. Metro and JDN
245. Culbert v. Carter County

246. Burson & Simpson v. Metro Government
247. Advanced Sales v. Wilson County
248. Youth Emergency Shelter v. Wilson County
249. Parker v. Roane County
250. 421 Corp v. Metro Government
251. Outdoor West v. City of Johnson City
252. Toles v. City of Dyersburg
253. Dickson County v. Jennette
254. Dominovitch v. Wilson County
255. Citizens for a Better Johnson v. Johnson City
256. South Harpeth Farms v. Metro Government
257. National Auto/Truck Stops v. Williamson County
258. Varner v. City of Knoxville
259. Roane County v. Joe Parker

Tables of Cases by Topic

Zone Change

Straight Zone Change

260. Davidson County v Rogers 198-812(1947) Original zoning
261. Fallin v Knox County
262. Carter v Green County ZC upheld
263. Westland West Community Association v Knox County (did the zone change request need to go back to MPC?)
264. Nixon v City of Chattanooga
265. Cooper v Town of Clinton
266. Crown Colony HOA v Ramsey
267. Grant v McCullough (early Nashville spot zoning case) rev'd
zc
268. Keally v Knox County (1984)
269. Rains v Knox County (1987) ZC upheld
270. Clapp v Knox County
271. Rawlins v Braswell
272. Ruckhart v Schubert
273. Campbell v Nance
274. St ex rel Collier v City of Ridgeon Forge
275. Barret v Shelby County
276. Rogers v Knox County
277. Prahl v Knox County
278. Tinsley Enterprises v City of Knoxville
279. Westland West v Knox County
280. MC Properties v City of Chattanooga 1999 Tenn App 51
281. Day v City of Decherd (1998)

Downzoning

1. Brooks v City of Memphis, 241-432(1951)

2. Bayside Warehouse v City of Memphis
3. Memphis v Sherwood Building
4. Howe Realty v City of Nashville

ZC Denied by LLB

1. Parker v Hamblen County Planning Commission (1995)(zone change for mobile home denied)
2. Henry v White
3. Campbell
4. Fiser
5. Keeton
6. Copeland v Chattanooga, 866 SW 2d 565 (Tenn App 1993)

Variations

1. Bubis v City of Nashville
174 Tenn 134, 124 SW 2d 238 (Tenn by Cook, Feb 4, 1939)
[Yokley]
2. Reddoch v Smith
214 Tenn 213, 379 SW 2d 641 (by Burnett, May 8, 1964)
 - a. This is the most important recent variance case.
Probably wrongly decided.
 - b. Supposedly arises under Ch 625, Section 6 of the 1935 Private Acts, but may have more appropriately been decided under Ch 613, Section 11 of the 1931 Private Acts. (Legal standard is the same, but this case arose in the 5 mile zone outside the city)
3. Glankler v City of Memphis
481 SW 2d 376 (Tenn by McCanless, June 5, 1972)
 - a. Again, this case is probably wrongly decided.
 - b. No citation to statutory authority; while the case refers to Reddoch, by 1972 surely Ch 142 of the 1955 Private Acts was applicable which had the effect of applying the much more restrictive TMZES to Memphis. No discussion of this in the case whatsoever.
4. Houston v Memphis and Shelby County Board of Adjustment
488 SW 2d 387 (Tenn App WS by Matherne; July 26, 1972)
 - a. Again, no citation of any enabling legislation, but Reddoch and Glankler were cited.

- b. But again, Ch 142 of the 1955 Private Acts was probably applicable (with its more stringent standards) but not mentioned. It didn't make any difference b/c the court overturned the variance anyway.

- 5. Union Trust Co v Williamson County BZA
500 SW 2d 608 (Tenn by Fones, Oct 1, 1973)
 - a.

- 6. Barnett v Memphis and Shelby County BZA
2 TAM 7-16 (Tenn App WS by Matherne; Dec 29 1976)
 - a. Board grants variance and court reverses.

- 7. McClurkan v Metro Board of Zoning Appeals
565 SW 2d 495 (Tenn App MS by Drowota April 1, 1977)
[Robert Rutherford]
 - a. Excellent discussion of variance principles complete with citation to restrictive statutory authority under TMZES.

- 8. Duzak v Smith
4 TAM 6-6 (Tenn App MS by Drowota; Jan 15, 1979)
[Robert Rutherford]
 - a.

- 9. Schott v Metro Board of Zoning Appeals
6 TAM 21-6 (Tenn App MS by Todd, March 26, 1981)
[GAD]
 - a.

10. Bigss v Metro BZA
7 TAM 27-17 (Tenn App WS by Matherne; May 18, 1982)
[GAD]
 - a. Nashville case heard by Western Section
11. Pizza Hut v Sevierville BZA
7 TAM 38-12 (Tenn App by Franks; Aug 12, 1982)
 - a.
12. Samples v Sharp
8 TAM 39-13 (Tenn App WS by Crawford, Aug 25, 1983)
 - a.
13. Jones v Milan BZA
11 TAM 4-7 (Tenn App WS by Nearn; Dec 9, 1985)
[Susan McGannon]
 - a.
14. Hamilton Bank v BZA
11 TAM 21-16 (Tenn App ES by Parrott; April 1, 1986)
 - a.
15. Metro Historic Commission v Colony Associates
13 TAM 46-17, 1988 Tenn App Lexis 654
(Tenn App MS by Todd, Oct 19, 1988) [GAD]
 - a.
16. Baker v Metropolitan Board of Zoning Appeals

14 TAM 9-20, 1989 Tenn App Lexis 36
(Tenn App WS by Crawford Jan 20, 1989)

- a. A Nashville case involving property at corner of 31st and West End (Rich Riebeling was principal attorney in favor of the variance)
17. Rebound Inc. v Goodlettsville Board of Zoning Appeals
15 TAM 3-10 (Tenn App MS by Lewis, Dec 13, 1989)
18. Grandt v Trousdale County Board of Zoning Appeals
(very confused; Richard Brooks was in the case interestingly enough)
19. Old North Knoxville v Knoxville BZA,
1995 Tenn App Lexis 360
(Tenn App ES by Sanders, May 31, 1995)
20. Ski Chalet Village Owners Association v First National Bank
1988 Tenn App Lexis 642
21. Maddox v Loudon County Board of Zoning Appeals, 1998
Tenn App Lexis 858; denial of variance upheld; addition to house, setback provisions variances.
22. Jacksonian Foundation v Walgreens, Davidson County
Circuit Court, Judge Brothers, April 1999; standing and grounds for variance

Conditional Use Permit

1. Father Ryan
2. Meritt v Wilson County
3. Gregory v Metro Board of Zoning Appeals
4. Hoover v Metro Board of Zoning Appeals
5. Sexton v Anderson County
6. Harrell v Hamblen County
7. Stevenson v Palmer (conditions may be imposed)
8. Hunter v Gallatin BZA
9. Marsden v Metro BZA
10. David J. Joseph Company v Bailey
11. Eatherly v Metropolitan Board of Zoning Appeals
12. Noise v Metropolitan Board of Zoning Appeals
13. Rutledge v Gallatin Board of Zoning Appeals
14. Hedgepath v Norton, 839-416 (1992)
15. Hemontolor v Wilson County BZA
16. Nance v City of Memphis (could also be a PUD)(2 cases)
17. Kirk v Dyer County BZA, 88 TA Lexis 166 (landfill)
18. Poole v MBZA
19. Burns v MBZA (the David Lipscomb case)
20. Steele v MBZA (the Italian Street Fair case)
21. Hickerson v Flannery (the Sequoia Club case)
22. Rogers Group v City of Franklin
23. SMS Community Housing v Memphis and Shelby County Board of Adjustment
24. City of Gallatin v Sumner County BZA -- landfill which court refers to as a variance but is more probably a conditional use.
25. Cone Oil v Williamson County, Jaz:\cases\coneoil.wpw
26. Dia v City of Toledo, 937 FS 673 (ND Ohio 1996) Adult entertainment establishment
27. [Advanced Sales v Wilson County Zoning](#) (Tenn App. 1999 by Judge Cantrell) on the hard drive. No transcript; 60 day appeal rule.

Site Plan

1. Brooks v Fisher
2. Whittemore v City of Brentwood
3. First American v Franklin MPC
4. State ex rel. Stones River Realty v Rutherford County
Regional Planning Commission (1986)
5. State ex rel Poteat v Bowman

PUDs

1. Mullins v City of Knoxville
2. McCallen v City of Memphis
3. Davis v Metro Nashville
4. Hovenden v City of Gallatin
5. Evans v MPC (Donelson Pike PUD amendment)
6. Nance v City of Memphis (could be CUP?)(2 cases)
7. Robertson v Knox County
8. Howard v Testerman, 1988 TA Lexis 775 (Cantrell)

Estoppel and Vested Rights

1. Howe Realty v City of Nashville
2. SCA Chemical v Sanidas
3. Schneider v Lazarov
4. Rebound Inc. v Goodlettsville Board of Zoning Appeals
5. PEP Properties v Town of Farragut (1991)
6. Union Trust Co v Williamson County BZA

NCFU

1. Boles v City of Chattanooga
2. Rives v City of Clarksville
3. Fields v White 13-7-208 (auto salvage)
4. Town of Somerville v Glover
5. City of Gatlinburg v Maples, 89 TA Lexis 197
6. Ski Chalet, 88 TA Lexis 642
7. Clouse v Cook (1988)
8. Creative Displays
9. Ragan v Madison County
10. Denny v Neal
11. Sanders v Angie Properties

Standing

1. Angelo v Cook
2. Town of Somerville v Glover
3. Torbett v Anderson (53)
4. Rains v Knox County (1987)
5. Patterson v Cook, 655-955

Contract and Conditional Zoning

1. Copeland v City of Chattanooga, 866 S.W.2d 565 (Tenn.App. 1993)
2. Benton v City of Chattanooga, 88 TA Lexis 454 (copy on the hard drive)
3. O'Dell v Johnson City, 910 S.W.2d 436 (Tenn.App. 1995)
4. City of Knoxville v Ambrister, 196 Tenn 1, 263 SW 2d 528 (1953)
5. Haymon v City of Chattanooga, 513 SW 2d 185 (Tenn App. 1973)
6. Chickasaw Bluffs Conseqvancy v City of Memphis, 1997 Tenn. App. Lexis 213

Subdivisions

1. Loftin v Langsdan
2. State ex rel Williamson County v Luna, Nov 1, 1984
3. Ballin v Tooley (1985)
4. State ex rel C & S Builders v Fairview Municipal Planning Commission, July 28, 1981; MS by Ben Cantrell; failure of MPC to act on subdivision plat w/i 30 words automatic approval.
5. City of Church Hill v Taylor, Tn App, ES, 22 Oct 96 -- leasehold division of property does not fall w/i meaning of subdivision statute. See Jaz:\cases\City of Church Hill v Taylor.wpw

Mobile Homes

1. State ex rel. Morris v City of Nashville, 343-847 (1961)
2. State ex rel Smith v City of Nashville, 364-106 (TA 1962)
3. Mobile Home City v City of Chattanooga
4. Harrell v Hamblen County
5. Parker v Hamblen County Planning Commission (1995)
6. Clouse v Cook, 1988 Tenn Lexis 72; S Ct by Fones.
7. TMHA v Metropolitan Government
8. Federal cases

Quarry

1. Davidson County v Rogers, 198-812 (1947)
2. Stone Man
3. Rogers Group v County of Franklin
4. Hoover (3 cases)
5. Denny v Neal