

LAND USE AND ZONING

LITIGATION AND DISPUTES

Gallagher & Kennedy's experienced land use and zoning litigation attorneys have successfully represented property owners facing a variety of land use and zoning disputes throughout Arizona. Our extensive background in land use litigation matters helps us understand the needs and goals of our clients and allows us to apply laser focus to achieving the desired end result.

By applying our experience, creativity and problem-solving skills to every situation, our team of land use and zoning attorneys works hard to resolve disputes without the need for litigation. We also share our clients' goals of keeping projects moving forward efficiently and successfully.

If litigation is necessary, we aggressively pursue all available claims or defenses in state and federal courts, while simultaneously setting the stage for an acceptable negotiated resolution.

We assist with:

- Demands by cities and counties for unreasonable exactions, fees or conditions in return for zoning, subdivision plat and site plan approvals
- Denials of subdivision plat, site plan, zoning or other approvals
- Appeals to and from city and county boards of adjustment involving variances and zoning interpretation requests
- Opposition to referendum petitions challenging land use decisions
- Claims for inverse condemnation, regulatory takings and violation of due process or other constitutional rights
- Defense of zoning violations and code enforcement cases
- Protection of private property rights from arbitrary government actions

Representative Experience:

- Grand Canyon Skywalk Development LLC v. 'SA' NYU WA Inc., 715 F.2d 1196 (9th Cir.2013)
- Northwest Fire District v. U.S. Home of Arizona Constr. Co., 215 Ariz. 492, 161 P.3d 535 (2007)
- Committee for Preservation of Established Neighborhoods v. Riffel, 213 Ariz. 247, 141 P.3d 422 (App.2006)
- Redelsperger v. City of Avondale, 207 Ariz. 430, 87 P.3d 843 (App. 2004)
- Korte v. Bayless, 199 Ariz. 173, 16 P.3d 200 (2001)