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## Land Use: Final Examination (May 22, 1970)

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LAND USE

Final Examination

May 22, 1970

1. City X enacted an Ordinance entitled, "An Ordinance Establishing Residential Zones Within City X: Regulating and restricting the construction, alteration, repair and addition of buildings therein, and for other purposes." Among other things the ordinance provided that, within the district outlined therein, it would "be unlawful for any person, firm or corporation to construct, erect, alter, repair or make additions to any structure or building for business or commercial purposes." The ordinance provided that upon the application of an owner for a building permit, the matter would be advertised for ten days and if no one filed a written objection to the application, a permit would be issued. P, the owner of a lot within the district covered by the ordinance applied for a building permit to erect a service station on his lot. The neighbors filed written objections whereupon the permit was refused. Discuss the rights of P including the procedure which he would use.
2. City X pursuant to an enabling statute adopted a sub-division ordinance by which the Planning Commission was given the power to approve plats of subdivision which were determined by the Planning Commission to be for the public welfare. The ordinance directed the Planning Commission to consider traffic flow, utilities, fire prevention, etc., in determining whether a proposed plat was for public welfare. The Planning Commission refused to approve Owner's proposed subdivision for the following reasons: (a) The local property taxpayers are already overburdened in trying to pay for schools, or other public services; (b) The market for the kind of lots and houses proposed by the developer is saturated; (c) The terrain is so rocky or otherwise inconvenient that installation of underground utilities would be too costly; (d) In the interest of community amenities the land should be kept in open space uses; (e) The site is too low for healthful living; and (f) The area is not served by public sewer and septic tanks are ruled an unsatisfactory substitute. Discuss Owner's rights.
3. Years ago a glue factory was erected in a relatively rural area near City X. As time passed City X grew and annexed the area in which the glue factory was situate. Beautiful and desirable residences and shops were built in the same area. As more people came into the area, the complaints about the obnoxious odors, etc., from the factory increased. Finally the governing body of City X adopted a zoning ordinance and zoned the area in which the glue factory was located, for residential purposes only. A group of individual property owners, who own land adjoining the glue factory property retain you to represent them and request that you do all that you can to stop use of the property for a glue factory. Discuss and evaluate the alternative procedures which you might follow to accomplish the objectives of your clients.
4. X owned a tract of twenty-five acres which adjoined the beautiful Navigable Stream on the north and Busy Street on the south. X planned to develop a shopping center on that part of the tract adjoining Busy Street, and to sell large residential lots on that part of the tract adjoining Navigable Stream. X hired an architect and went to great expense to develop his plans. Shortly before X was ready to enter development contracts, it was announced that a large dam was going to be erected on Navigable Stream and a power plant built directly across the Stream from the planned residential lots, pursuant to a permit issued by United States authorities. It was also announced by the State that Busy Street was going to be abandoned as a public thoroughfare and traffic would be routed over a limited access highway to be built farther from



X's property than Busy Street. The local unit of government therefore decided to take X's property to make a public park. Discuss the factors that would be involved in determining the value of X's land in a condemnation suit.

5. Owner owned and operated a restaurant in the northwest quadrant of the intersection of Maple Street and Pine Avenue. The building was a pretty brick structure which cost \$50,000.00 when it was erected in 1958. In 1961 the City enacted a zoning ordinance and zoned all the property in the block commencing with Owner's property for residential use. The property across both Maple Street and Pine Avenue from Owner's property was zoned for business use. As the general area developed, the problem of space for parking automobiles became more and more acute. Finally Owner noted that his restaurant business was decreasing because of the parking problem; therefore Owner proposed to make a parking lot for his customers out of the balance of his restaurant lot, which consisted of approximately one-fourth of an acre. What would you do if you represented Owner in order to accomplish his objectives. Point out each of the alternative procedures which might be used. Which would you use? Why? If you fail to accomplish the objective by this procedure, can you then use one of the alternative methods? Explain.
6. Compare the English system of land use control and regulation, including use of eminent domain, with the American system.