

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

September 2002 Term

FILED

November 27, 2002
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

No. 30470

RELEASED

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SUPREME COURT OF APPEALS
OF WEST VIRGINIA

LOWER DONNALLY ASSOCIATION,
an unincorporated association of individuals
residing in the City of Charleston, West Virginia,
by and through their president, Bill Via,
Petitioner Below, Appellant

v.

CHARLESTON MUNICIPAL PLANNING COMMISSION
and THE CITY OF CHARLESTON, WEST VIRGINIA,
a municipal corporation under the laws
of the State of West Virginia,
Respondents Below, Appellees

Appeal from the Circuit Court of Kanawha County
The Honorable Tod J. Kaufman, Judge
Civil Action No. 01-AA-117

REVERSED

Submitted: October 9, 2002
Filed: November 27, 2002

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JUSTICE ALBRIGHT delivered the Opinion of the Court.