

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

BOARD OF SUPERVISORS OF FAIRFAX COUNTY v. RITA M. LEACH-LEWIS,
TRUSTEE OF THE RITA M. LEACH-LEWIS TRUST 18MAR13
(Record Number 230491)

From

The Court of Appeals of Virginia.

Counsel

Elizabeth D. Teare, T. David Stoner, Laura S. Gori, and Sara G. Silverman (Office of the Fairfax County Attorney) for appellant.

Gifford R. Hampshire and James R. Meizanis, Jr. (Blankingship & Keith, P.C.) for appellee.

Assignments of Error

1. The Court of Appeals erred in ruling that the BZA should have considered the constitutionality of Investigator Enos's inspection because:
 - a. His inspection of the properties was an act that did not constitute a decision under Virginia Code §§ 15.2-2309 and -2311.
 - b. Zoning Ordinance § 18-901(4) merely restates the Zoning Administrator's obligation to abide by the Fourth Amendment.
 - c. The exclusionary rule is a remedy that is not available in a civil matter such as an appeal from the BZA.
2. The Court of Appeals erred in remanding the case to the BZA, because the Trustee failed to meet her burden of proof before both the BZA and the Circuit Court, additional evidence would not further illuminate the issues, and remand is not an available remedy under Virginia Code § 15.2-2314.
3. The Court of Appeals erred in failing to affirm the trial court's decision because it declined to consider whether the Trustee was using the properties as an office in violation of the Zoning Ordinance.