

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

CITY OF BRIDGETON,)	No. ED92205
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
TITLEMAX OF MISSOURI, INC.,)	Hon. Steven H. Goldman
Respondent.)	FILED: August 25, 2009

The City of Bridgeton (“Bridgeton”) appeals from the judgment of the circuit court of St. Louis County, Missouri, in favor of Titlemax of Missouri, Inc., d/b/a Titlemax, which sought review of the Bridgeton Board of Adjustment’s (“Board”) decision that affirmed the Bridgeton Planning & Zoning Officer’s (“Zoning Officer”) denial of Titlemax’s three applications for zoning certificates for proposed office locations. Pursuant to Rule 84.05(e), where the circuit court reverses the decision of an administrative agency, the appellate court reviews the decision of the agency rather than that of the circuit court.

AFFIRM CIRCUIT COURT’S DECISION TO REVERSE BOARD’S DECISION.

DIVISION FIVE HOLDS:

1. The Board improperly construed the plain and ordinary language of its zoning ordinance, which declared that a “loan office” is a permitted use in the B-2 Community Business Zoning District (“B-2 District”), defined the requirements for a business operation to qualify as a “loan office,” and did not explicitly prohibit all consumer credit lending operations that normally use automobile titles as security.
2. The Board misconstrued and misapplied Bridgeton’s zoning ordinance in concluding that Titlemax’s proposed use of the properties did not meet the requirements for a “loan office,” a permitted use in the B-2 District.
3. There was no competent and substantial evidence to support the Board’s decision to affirm the Zoning Officer’s denial of Titlemax’s applications for zoning certificates.

Opinion by: Clifford H. Ahrens, J. Kenneth M. Romines, C.J., and Roy L. Richter, J. concur.

Attorney for Appellant: E. Robert Schultz

Attorney for Respondent: Daniel S. Peters

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.