
ZONING - MAINE

Summerwind Cottage, LLC v. Town of Scarborough

Supreme Judicial Court of Maine - March 5, 2013 - A.3d - 2013 ME 26

Town's shoreland zoning map entitled to deference by the zoning board of appeal and the court even though ordinance stated that map was "merely illustrative" of boundary locations.

Neighbors appealed decision of town zoning board of appeals to grant a setback variance to landowners.

The Supreme Judicial Court of Maine held that:

- Shoreland zoning map was entitled to deference;
- Lot was not required to meet minimum lot width requirement or obtain a variance from width requirement in order to obtain setback variance;
- Evidence was sufficient to support finding that lot required variance from setback requirement due to the unique circumstances of the property; and
- Evidence was sufficient to support finding that variance was required in order to allow a reasonable return.

Town's shoreland zoning map was part of shoreland zoning ordinance such that it was the result of the legislative process by the town council and was entitled to deference by the zoning board of appeals and the court, even though ordinance stated that map was "merely illustrative" of boundary locations.

In the interest of judicial economy the Supreme Judicial Court agreed to consider neighbors' challenge to the validity of town's shoreland zoning map, although the proper method of challenging the map's validity was through a declaratory judgment action. By hearing the challenge, the Supreme Judicial Court could avoid remand to the Superior Court to amend the complaint and to address an issue that the court had already heard.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com