

# **Bond Case Briefs**

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## **ZONING & PLANNING - VERMONT**

### **In re Langlois/Novicki Variance Denial**

**Supreme Court of Vermont - August 25, 2017 - A.3d - 2017 WL 3662437 - 2017 VT 76**

Landowner sought review of town's development review board's decision denying his challenge to a notice of zoning violation for a pergola that he had already constructed on his lakeshore property and for which the board had denied a variance after construction.

After consolidating landowner's case with the town's subsequently filed enforcement action and after a trial in which an adjacent landowner participated as an interested party, the Superior Court estopped the town from requiring removal of the pergola and dismissed the notice of zoning violation. Adjacent landowner appealed.

The Supreme Court of Vermont held that:

- Town's zoning administrator was put on notice of the relevant facts surrounding the pergola, as required as an element of analysis of whether equitable estoppel precluded town's enforcement action;
- Zoning administrator intended that landowner rely on administrator's erroneous oral assurances that landowner did not need to have a permit to build the pergola, as required for equitable estoppel;
- Landowner lacked knowledge that a permit was actually required, as required for equitable estoppel;
- Landowner relied to his detriment on zoning administrator's erroneous oral assurances that a permit was not needed, as required for equitable estoppel; and
- Injustice would have resulted if town had been allowed to enforce its zoning regulations in regards to the pergola, as required for equitable estoppel.