

Bond Case Briefs

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In re Cathedral of Immaculate Parish Charitable Trust Appeal

Supreme Court of Vermont - December 6, 2024 - A.3d - 2024 WL 4998077 - 2024 VT 77

City residents appealed city development review board's decision granting religious organization's application for permit to demolish church buildings on its property.

After denying residents' motion to compel discovery regarding organization's pending sale of property to nonreligious prospective purchaser, the Superior Court, Environmental Division, granted organization's motion for summary judgment and denied residents' cross-motion for summary judgment. Residents appealed.

The Supreme Court held that:

- Applicability of statute limiting municipality's regulation of property that is used for enumerated purposes so that regulations do not interfere with intended functional use of property does not depend on identity of property owner;
- "Intended," as used in statute, refers to the intent for the present use, not to the future intent of the property owner;
- Organization's intended use of property when it applied for permit was religious in nature, and thus statute precluded city from applying its comprehensive development ordinance to restrain demolition; and
- Neither identity of prospective purchaser nor prospective purchaser's potential future uses of property were relevant, and thus residents were not entitled to discovery of terms of purchase and sale agreement.