

Bond Case Briefs

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ZONING / PLANNING - RHODE ISLAND

Lloyd v. Zoning Bd. of Review for City of Newport

Supreme Court of Rhode Island - March 29, 2013 - A.3d - 2013 WL 1285881

Court finds special-use permit, not dimensional variance, appropriate form of relief for construction of addition to dimensionally nonconforming residence.

Adjoining landowners appealed decision of city zoning board of review that granted property owners' application for special-use permit for construction of addition to dimensionally nonconforming residence.

The Supreme Court of Rhode Island held that:

- Special-use permit, not dimensional variance, was appropriate form of relief;
- Property owners were entitled to utilize expanded lot coverage that was authorized by prior dimensional variance;
- Zoning ordinance did not contemplate calculation of building mass or three-dimensional spaces in criteria for alterations of dimensionally nonconforming structures; and
- Decision to accept testimony of property owners' expert witness was within board's discretion.

City zoning ordinance did not contemplate calculation of building mass or three-dimensional spaces in criteria for alterations of dimensionally nonconforming structures, and thus increase in three-dimensional space and building mass that would result from proposed addition to dimensionally nonconforming residence could not be considered by city zoning board of review when determining whether to grant special-use permit for construction of addition.