

Bond Case Briefs

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ZONING - MASSACHUSETTS

Grady v. Zoning Bd. of Appeals of Peabody

Supreme Judicial Court of Massachusetts, Suffolk - July 10, 2013 - N.E.2d - 465 Mass. 725

Neighbor brought action challenging decision of city zoning board of appeals, denying neighbor's request to revoke property owner's building permit on ground that owner had failed to record zoning variance within one year of issuance.

The Supreme Judicial Court of Massachusetts held that variance did not lapse.

Zoning variance did not lapse after property owner failed to record variance within one-year statutory period, but instead variance became effective. Owner was issued a building permit and took substantial steps, including obtaining construction loan and beginning construction operations, within the one-year period in reliance upon an otherwise valid variance. There was no apparent harm to any interested parties, other than any harm resulting from the original, uncontested grant of the variance, and the variance was recorded less than two weeks after the expiration of the one-year period.