

Bond Case Briefs

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ZONING - RHODE ISLAND

Iadevaia v. Town of Scituate Zoning Bd. of Review

Supreme Court of Rhode Island - December 23, 2013 - A.3d - 2013 WL 6795231

Landowner sought judicial review of decision of town zoning board of review, which upheld town building official's denial of landowner's application to build single family home on unimproved lot on grounds that lot lacked street frontage and denied landowner's request for dimensional variance for width and height of unimproved lot.

The Supreme Court of Rhode Island held that:

- Trial court erred in applying doctrine of judicial estoppel to deny landowner relief;
- There was no substantial evidence to support zoning board's determination that contiguous lots on landowner's property had merged; and
- Provision of town zoning ordinance setting dimensional regulations for residential properties did not impose a frontage requirement.

Provision of town zoning ordinance setting dimensional regulations for residential properties did not impose a frontage requirement, and thus, town zoning board of review erred by denying landowner's application to build single family home on unimproved lot that lacked street frontage. Provision of zoning ordinance setting dimensional requirements for residential properties did not make any reference to frontage, but "lot frontage" was explicitly defined in other provisions of town zoning ordinance and required for other types of properties, suggesting that omission of frontage requirements for residential lots was intentional.