

Bond Case Briefs

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ZONING - RHODE ISLAND

Hines Road, LLC v. Hall

Supreme Court of Rhode Island - April 28, 2015 - A.3d - 2015 WL 1914658

After town and neighbor had entered into agreement regarding neighbor's retaining wall, abutting property owners filed an appeal with town's zoning board of review challenging the agreement. The board held that it did not have jurisdiction. Owners did not appeal. Subsequently neighbor commenced action to litigate issues relating to the agreement. Owners moved to intervene. Following a bench trial, the Superior Court denied the motion. Owners appealed.

The Supreme Court of Rhode Island held that:

- Status as abutting property owners did not entitle owners to intervene as a matter of right;
- Owners' interest in underlying action was contingent, not direct; and
- Court did not abuse its discretion in considering owners' failure to appeal board's decision in denying motion to intervene.