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ZONING - RHODE ISLAND

Tarbox v. Zoning Bd. of Review of Town of Jamestown

Supreme Court of Rhode Island - March 15, 2016 - A.3d - 2016 WL 984044

Homeowners appealed town zoning board of review's denial of their application for a dimensional variance. After the Superior Court reversed, the Superior Court denied homeowners' motion for an award of reasonable litigation expenses under the Equal Access to Justice for Small Businesses and Individuals Act. Homeowners appealed.

The Supreme Court of Rhode Island held that:

- As a matter of first impression, litigant seeking review of ruling on litigation expenses under the Act in case on appeal from decision of zoning board must petition for writ of certiorari;
- Zoning board is an "agency" under the Act; and
- Homeowners' hearing was an "adjudicatory proceeding" under the Act.

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