

# **Bond Case Briefs**

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## **ZONING & PLANNING - MAINE**

### **Zappia v. Town of Old Orchard Beach**

**Supreme Judicial Court of Maine - March 1, 2022 - A.3d - 2022 WL 599183 - 2022 ME 15**

Property owner sought judicial review of decision of town's Zoning Board of Appeals upholding town's Code Enforcement Officer's (CEO) denial of owner's application to build a greenhouse in the front yard of her residential property.

The Superior Court affirmed. Plaintiff appealed.

The Supreme Judicial Court held that:

- Zoning ordinance provided for the Board to conduct de novo review, and therefore, the operative decision for purposes of Supreme Judicial Court review was that of the Board, and
- Phrase "required front yard" in town's zoning ordinance relating to accessory buildings referred to the portion of the front yard that was required to be free of accessory structures under the applicable space and bulk regulations for the zoning district within which the property was located.