

Bond Case Briefs

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ZONING & PLANNING - INDIANA

Shinall v. Board of Zoning Appeals for Town of Ogden Dunes

Court of Appeals of Indiana - June 16, 2023 - N.E.3d - 2023 WL 4038500

Homeowners petitioned for judicial review of decision of town board of zoning appeals granting neighbors a variance of residential building height restriction.

The Superior Court granted board's and neighbors' motion to dismiss for lack of standing, concluding that homeowners were not aggrieved by any perceived hindrance to their prospective lake views. Homeowners appealed.

The Court of Appeals held that homeowners clearly established that they were aggrieved for purposes of establishing standing to seek judicial review of zoning decision.

Allegations in homeowners' petition clearly established they were aggrieved by town board of zoning appeals' decision granting neighbors' proposed variance of residential building height restriction established by town zoning code, and thus homeowners had standing to seek judicial review of board's decision; homeowners alleged that they had enjoyed a waterfront view of lake over roofline of neighbors' existing home for almost two decades, that they had a marketable interest in property value associated with waterfront view, and that neighbors' proposed height variance would obstruct homeowners' view of lake and diminish values of their property and adjacent properties, indicating that homeowners had a pecuniary injury beyond that which would be suffered by the community as a whole.