

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **ZONING & PLANNING - RHODE ISLAND**

### **Koziol Firearms, Inc. v. Marchand**

**Supreme Court of Rhode Island - May 13, 2025 - A.3d - 2025 WL 1374672**

Landowner appealed decision of city zoning board of review, which denied its application for a use variance application for a use variance to operate a firearms manufacturing and sales business.

After landowner's motion for leave to present additional evidence was denied, landowner filed amended complaint against city, including members of city zoning board of review and city council, seeking declaration that amendment to zoning ordinance was null and void due to procedural defects.

The Superior Court denied landowner's zoning appeal and dismissed landowner's claim for declaratory relief without prejudice. Landowner appealed.

The Supreme Court held that Court was unable to conduct any meaningful review of landowner's request for declaratory relief.

Supreme Court was unable to conduct any meaningful review of request for declaratory relief by landowner, which sought a declaration that amendment to city zoning ordinance was null and void due to procedural defects, and thus vacatur in part of trial court's judgment that dismissed landowner's claim for declaratory relief and remand for trial court to conduct a new hearing was warranted; fact-finding that trial justice must ordinarily undertake in the course of determining whether to grant declaratory relief did not occur, in fact, trial justice made it clear that it was his view that he was unable to conduct the requisite fact-finding based on the record before him, and Supreme Court had no meaningful factual findings or legal determinations upon which to base an analysis.