

Massachusetts Appeals Court Affirms Dismissal of Zoning Complaint

8.3.18

On August 3, 2018, the Massachusetts Appeals Court affirmed the dismissal of a complaint against a real estate developer represented by White and Williams. The developer is planning to build a mixed-use apartment building in the Jamaica Plain neighborhood of Boston. The project requires zoning variances, which our client obtained from the City of Boston Board of Appeal (ZBA). Four residents of the neighborhood appealed the ZBA's decision in the Superior Court, which halted progress on the project.

White and Williams promptly moved to dismiss the suit, arguing that the neighbors lacked standing to challenge the ZBA's decision. The Superior Court granted the motion. The plaintiffs further appealed to the Massachusetts Appeals Court.

White and Williams moved for expedited review, on the grounds that any delay of the project irreparably harmed our client and the general public. The court granted the motion and scheduled the case for early oral argument. On August 3, 2018, less than a month after oral argument, the Appeals Court decided the case, ruling in favor of the developer.

The Appeals Court affirmed the dismissal of the residents' complaint, agreeing with the Superior Court that the residents lacked standing, and rejected the residents' argument that the ZBA had engaged in so-called "spot zoning."

David Chaffin, Rachel Eisenhaure, and Victoria Fuller represented the real estate developer.