

Land Court Victory Variance Challenge

Michael Fee recently tried and won a case in the Land Court (*Whittemore, et al. v. Aron, et al.*, Land Court, Misc. Case No. 318825) in which our client challenged the issuance of a variance by the Framingham Zoning Board of Appeals. The variance would have permitted the applicant to raze an existing one story dwelling and build a larger, two story house in a different location on an undersized lot. After a trial, and a subsequent visit to the site by the judge, the court ruled that the applicant satisfied none of the statutory requirements for the granting of a variance, and that the Framingham Zoning Board had acted arbitrarily, capriciously, and in excess of its authority. As a result of the decision, the variance was annulled, and the applicant will only be allowed to redevelop the property if the proposed new residence does not intensify the existing zoning nonconformities.

Michael Fee's practice focuses on the litigation of disputes involving real estate. He also frequently represents homeowners, contractors, and developers in proceedings before municipal boards in connection with all types of permitting and zoning relief.