

SUPREME COURT OF WYOMING

Board of County Commissioners v. Crow

170 P.3d 117 (Wyo. 2007) · Decided November 5, 2007

SUMMARY

The Wyoming Supreme Court affirmed the district court's refusal to order abatement of approximately 3,000 square feet of habitable space added to the Crows' home in violation of Teton County land development regulations. The court held that, despite rejecting certain aspects of the district court's equitable analysis, the court's balancing of the property's characteristics and the County's enforcement interests was reasoned, supported by the record, and within its discretion.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Hill, Justice; Burke; Golden; Hill; Kite; Voigt
JURISDICTION	Wyoming
DECIDED	November 5, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Teton County appealed the district court's post-remand order declining to require abatement of approximately 3,000 square feet of habitable space added to the Crows' home in violation of county land development regulations.
STANDARD OF REVIEW	The Supreme Court reviewed the district court's equitable balancing and denial of abatement for abuse of discretion, asking whether the decision was reasonable and supported by the record or arbitrary and capricious. Factual findings underlying the decision were also addressed under the clearly erroneous standard.
PRECEDENTIAL VALUE	published precedential Wyoming Supreme Court opinion
PARTIES	Board of County Commissioners of Teton County v. Thomas Crow, Carol-Ann Crow

TOPICS

- zoning
- municipal law
- equitable relief
- remedies
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court clearly erred in finding that confusion and lack of clarity concerning interpretation and enforcement of Section 2450 influenced the Crows' conduct.
2. Whether the district court clearly erred in finding that the County's previous enforcement efforts influenced the Crows' conduct.
3. Whether the district court abused its discretion by denying abatement after balancing the equities and considering the totality of the circumstances.
4. Whether the Crows were entitled to attorney fees or damages on the ground that the County's appeal was frivolous.

HOLDINGS

1. A district court has equitable discretion to deny abatement of a land-use violation when, after balancing the equities and considering the totality of the circumstances, the chosen remedy is reasonable, supported by the record, and not arbitrary or capricious.
2. A violator's alleged confusion about the meaning of a land development regulation, or the fact that other violations received variances, after-the-fact permits, or modest fines, does not constitute an equity justifying the violation or weighing in the violator's favor.
3. The County's appeal was meritorious, so the court denied the Crows' request for attorney fees or damages.

KEY QUOTATIONS

"We conclude that in its totality, the district court's balancing process resulted in a reasoned decision and was not an abuse of discretion." (170 P.3d at 122)

"We affirm the district court's December 18, 2006 order denying abatement. The court's balancing of the equities was supported by the evidence and within the court's sound discretion." (170 P.3d at 122)

FACTUAL BACKGROUND

The Crows constructed an approximately 8,000-square-foot home but, immediately after receiving a certificate of occupancy, converted porches and floored areas beneath cathedral ceilings to create approximately 11,000 square feet of habitable space. The additions violated Teton County Land Development Regulations, including Section 2450, which limited habitable space to 8,000 square feet. The district court imposed substantial fines but declined to require demolition, removal, or closure of the additional habitable areas.

PROCEDURAL HISTORY

In an earlier appeal, the Wyoming Supreme Court held that Teton County's land development regulations were constitutional as applied and that the County had authority to enact them. In a later appeal, the court reversed an order imposing allegedly improper fines and remanded for reconsideration of the fines and the abatement

remedy. On remand, the district court declined to order abatement after balancing the characteristics and use of the home, the County's enforcement conduct, and the public interest; the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Board of County Commissioners v. Crow, 2003 WY 40, 65 P.3d 720 (Wyo. 2003)
- Board of County Commissioners v. Crow, 2006 WY 45, 131 P.3d 988 (Wyo. 2006)
- Merrill v. Jansma, 2004 WY 26, 86 P.3d 270, 288 (Wyo. 2004)
- Thomas v. Thomas, 983 P.2d 717, 719 (Wyo. 1999)
- Pinecrest Lakes, Inc. v. Shidel, 795 So. 2d 191 (Fla. Dist. Ct. App. 2001)
- Wright v. City of Guthrie, 150 Okla. 171, 1 P.2d 162, 163–64 (1931)