

SUPREME COURT OF CONNECTICUT

Gibbons v. Historic District Commission of the Town of Fairfield, 285
Conn. 755

941 A.2d 917 (2008) · No. No. 17846 · Decided March 11, 2008

SUMMARY

The Supreme Court of Connecticut considered whether a historic district commission had statutory authority to deny a certificate of appropriateness based on the proposed relocation of an outbuilding and its effect on the historic integrity of Southport Harbor. The court held that the commission’s stated consideration was within its statutory authority, but concluded that the record lacked substantial evidence supporting the stated reason for denial. The court therefore affirmed the trial court’s judgment sustaining the property owner’s appeal.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Zarella, J.; Rogers, C.J.; Norcott, J.; Palmer, J.; Vertefeuille, J.
JURISDICTION	Connecticut
DECIDED	March 11, 2008
DOCKET	No. 17846
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Historic District Commission appealed from the trial court's judgment sustaining Gibbons's administrative appeal from the denial of her application for a certificate of appropriateness. The Supreme Court of Connecticut transferred the appeal from the Appellate Court.
STANDARD OF REVIEW	The scope of a historic district commission's statutory authority is reviewed de novo. The reviewing court examines whether the commission's stated reason is supported by substantial evidence in the record and does not substitute its judgment for that of the agency. When the commission states reasons for its decision, review is limited to those stated reasons.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Connecticut
PARTIES	Historic District Commission of the Town of Fairfield v. Elaine J. Gibbons

TOPICS

municipal law administrative law judicial review of agency action standard of review
statutory interpretation

PRACTICE AREAS

municipal law administrative law real estate land use historic preservation

QUESTIONS PRESENTED

1. Whether the historic district commission had statutory authority to consider the effect of relocating the outbuilding on the historic integrity of Southport Harbor.
2. Whether substantial evidence supported the commission's stated reason that relocation of the outbuilding would damage the historical integrity of Southport Harbor.
3. Whether a reviewing court may search the record for reasons other than those expressly stated by a historic district commission.
4. Whether the commission's denial constituted an arbitrary and unreasonable abuse of discretion.

HOLDINGS

1. A historic district commission may consider not only the architectural features of the structure being altered and their relationship to nearby structures, but also the relationship of the structure to a place of historic significance within the historic district, including Southport Harbor.
2. The commission's stated reason was not supported by substantial evidence because the record did not establish that the outbuilding, its location, or its design had historic significance in relation to Southport Harbor.
3. When a historic district commission states the reasons for denying a certificate of appropriateness, the reviewing court is limited to determining whether those stated reasons are supported by substantial evidence and may not search the record for alternative reasons.
4. The commission's denial was an arbitrary and unreasonable abuse of discretion because it was based on aesthetic preferences rather than an evidence-based determination that the proposed relocation would affect historically significant aspects of the district.

KEY QUOTATIONS

"We reaffirm that this is the appropriate scope of review for municipal land use appeals and appeals from decisions of historic district commissions." (941 A.2d 928)

"We conclude that the commission's denial was based on aesthetic preferences rather than on an evidence based determination of the impact that the proposed changes would have on the historical aspects of the Southport Harbor area of the Southport Historic District." (941 A.2d 931)

FACTUAL BACKGROUND

Gibbons owned a single-family residence and a nonoriginal outbuilding in Fairfield's Southport Historic District. The outbuilding had been moved to the property around 1939 and was located in a flood plain and within a required setback area. Gibbons proposed removing a modern addition and deck, relocating and renovating the outbuilding, and connecting it to the main house. The commission denied the revised application on the stated ground that relocating the outbuilding would damage the historical integrity of Southport Harbor, but the record contained no substantial evidence that the outbuilding or its location had historic significance.

PROCEDURAL HISTORY

Gibbons applied for approval of proposed alterations to her residence and relocation of an outbuilding in Fairfield's Southport Historic District. The commission denied the revised application because relocating the outbuilding would damage the historic integrity of Southport Harbor. The trial court sustained Gibbons's appeal, concluding that the stated reason lacked record support and exceeded the commission's authority. The commission appealed, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Pansy Road, LLC v. Town Plan & Zoning Commission, 283 Conn. 369, 374, 926 A.2d 1029 (2007)
- Figarsky v. Historic District Commission, 171 Conn. 198, 202, 207-210, 212, 368 A.2d 163 (1976)
- Felician Sisters of St. Francis of Connecticut, Inc. v. Historic District Commission, 284 Conn. 838, 853-854, 860-862, 937 A.2d 39 (2008)
- Fort Trumbull Conservancy, LLC v. Alves, 262 Conn. 480, 485, 815 A.2d 1188 (2003)
- Heithaus v. Planning & Zoning Commission, 258 Conn. 205, 217, 223-224, 779 A.2d 750 (2001)
- Smith v. Zoning Board of Appeals, 227 Conn. 71, 80, 629 A.2d 1089 (1993), cert. denied, 510 U.S. 1164 (1994)
- Gevers v. Planning & Zoning Commission, 94 Conn. App. 478, 483, 892 A.2d 979 (2006)
- Suffield Heights Corp. v. Town Planning Commission, 144 Conn. 425, 428, 133 A.2d 612 (1957)
- Dubiel v. Zoning Board of Appeals, 147 Conn. 517, 522, 162 A.2d 711 (1960)
- DeMaria v. Planning & Zoning Commission, 159 Conn. 534, 540-541, 271 A.2d 105 (1970)
- Kaufman v. Zoning Commission, 232 Conn. 122, 142, 653 A.2d 798 (1995)
- Bloom v. Zoning Board of Appeals, 233 Conn. 198, 208, 658 A.2d 559 (1995)
- West Hartford Interfaith Coalition, Inc. v. Town Council, 228 Conn. 498, 513, 636 A.2d 1342 (1994)
- First Hartford Realty Corp. v. Plan & Zoning Commission, 165 Conn. 533, 543, 338 A.2d 490 (1973)
- Parks v. Planning & Zoning Commission, 178 Conn. 657, 662, 425 A.2d 100 (1979)
- Protect Hamden/North Haven from Excessive Traffic & Pollution, Inc. v. Planning & Zoning Commission, 220 Conn. 527, 544, 600 A.2d 757 (1991)
- Stankiewicz v. Zoning Board of Appeals, 211 Conn. 76, 77-78, 556 A.2d 1024 (1989), affirming 15 Conn. App. 729, 546 A.2d 919 (1988)

- *Gagnon v. Inland Wetlands & Watercourses Commission*, 213 Conn. 604, 605, 569 A.2d 1094 (1990)
- *First Church of Christ, Scientist v. Historic District Commission*, 46 Conn. Supp. 90, 91-93, 95-96, 738 A.2d 224 (1998), *aff'd*, 55 Conn. App. 59, 737 A.2d 989 (1999), *cert. denied*, 251 Conn. 923, 742 A.2d 358 (1999)
- *Bellevue Shopping Center Associates v. Chase*, 574 A.2d 760, 763-764 (R.I. 1990)

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