Exhaustion of Administrative Remedies: Connecticut Appellate Court Addresses Challenge to Gasoline Station Construction



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A Connecticut Appellate Court ("Court") addressed in a May 12th Opinion an issue arising out of a challenge to the construction of a gasoline service station in Stonington. See Charles A. Caldwell v. Jannat, LLC, (AC 48754).

The issue considered was whether the plaintiff was required to exhaust his administrative remedies before proceeding with an action seeking injunctive relief.

Charles A. Caldwell ("Caldwell") commenced an action in Superior Court seeking injunctive relief to prevent the construction of a gasoline station by Jannat, LLC ("Jannat"). Jannat filed a motion to dismiss alleging that the trial court lacked subject matter jurisdiction because Caldwell failed to exhaust his administrative remedies. Jannat's motion argued that Caldwell had two active administrative appeals addressing this proposed facility.

Caldwell had filed two appeals from decisions of the Planning and Zoning Commission with respect to the proposed facility. The appeals were pending. The appeals challenged a special permit that Jannat had received for the development of the gasoline station on its property.

Caldwell argued that an exception to the exhaustion of administrative remedies doctrine applied because his complaint sought equitable relief. He alleged that the construction of the gasoline station would create conditions amounting to a nuisance. The Court acknowledged that the complaint alleged that the conditions had begun to be created but the complaint was silent as to which of these alleged damages, if any, had already occurred or are ongoing.

The Court concluded that Caldwell's claim was not ripe in that he had not sufficiently pleaded special damages to obtain injunctive relief. Therefore, it held that the exception to the doctrine of exhaustion of administrative remedies had not been satisfied.

The trial court's granting of Jannat's motion to dismiss was upheld.

A copy of the Opinion can be downloaded here.