APPENDIX

Alabama

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Born v. Exxon Corp.	388 So.2d 933	1980	Homeowner sued Exxon, arguing among other things, that the burning of flares constituted trespass because it lit up her house and prevented her from sleeping.	Damages.	Denied. Light cannot be the basis of a trespass action because there is no "intentional entry of any substance onto the land of the [plaintiff] amounting to a trespass."
Downey v. Jackson	259 Ala. 189	1953	Homeowners near park sue the Park and Recreation Board of the City of Birmingham, complaining of the installation of electric lighting system and playing night baseball games.	Injunction against night games	Enjoin Park and Recreation Board from permitting light glare to be cast on homeowners' property to the extent it could be done by erecting a screen.
Drennan v. Mason	222 Ala. 652	1931	Homeowner challenged the proposed building of a mini-golf course in vacant lot, arguing injury by the proposed lighting of the mini-golf course.	Injunction against the construction and operation of the mini-golf course.	Denied. Plaintiff's argument of light trespass was not sufficiently supported since the lights are pointed downward and plaintiff's house is on higher ground.

Arizona

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Scenic Arizona v. City of Phoenix Bd. of Adjustment	228 Ariz. 370	2011	Advocacy group seeks review of decision by City of Phoenix Board of Adjustment granting use permit for advertising company to operate an electronic billboard next to interstate highway.	Finding that Scenic Arizona had standing to sue. Finding that the billboards violated Arizona Highway Beautification Act (AHBA).	Scenic Arizona had standing. electronic Billboard was prohibited by the AHBA because it used "intermittent lighting."

La Cebadilla Estates Corp. v. Sisneros	Unpublished, 2007 WL 5615085	2007	Subdivision brought action alleging, among other concerns, that the defendant homeowner maintained unshielded exterior lights in violation of the subdivision's restrictions.	Injunction against homeowner's use of unshielded exterior lights	Trial court did not err in its assessment that defendant violated exterior lighting restrictions based on witness testimony.
Blanchard v. Show Low Planning and Zoning Commission	196 Ariz. 114	1999	Property owners file lawsuit against city, complaining that rezoning action allowing for building of Walmart was procedurally invalid. Property owner claim standing to sue because of harm caused by light pollution from Walmart parking lot, among other concerns.	Finding that the property owners did have standing. Invalidate the rezoning.	Some of the property owners did have standing because they lived closer to the proposed Walmart. Rezoning was valid.
Whiteco Outdoor Advertising v. City of Tucson	193 Ariz. 314	1998	Billboard company wants to continue using bottom mounted illumination, in violation of city's outdoor lighting code. Company argued its billboards fell within protected non-conforming use.	Enjoin city from enforcing its outdoor lighting code	Outdoor lighting regulation is not limited by the non-conforming uses protections of Arizona's zoning statutes.
Northeast Phoenix Homeowners' Association v. Scottsdale Municipal Airport	130 Ariz. 487	1981	Homeowners' association, on behalf of certain residents of Northeast Phoenix, sued the City of Scottsdale as owner and operator of the Scottsdale Municipal Airport, citing intrusive lights from airport among other concerns that expose them to physical danger and discomfort and disrupts their enjoyment of their land.	Injunction on theories of trespass, nuisance and statutory violations. Declaration that plans to extend airport runways are invalid. Damages on theory of inverse eminent domain.	Injunctive relief denied because of preemption by federal law. Claim to declare the plan to extend runways was dismissed. Claims for monetary damages remain pending.
Adams v. Lindberg	125 Ariz. 441	1980	Neighbors brought suit against construction and	Injunction against the	Granted. There was sufficient

			use of overhead lights for landowner's tennis court, which they argue violated a restrictive covenant prohibiting offensive activities.	construction and use of the lights.	evidence to support the finding that the lighting would constitute an offensive activity, given the quiet nature of the neighborhood.

Arkansas

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Osborne v. Power	318 Ark. 858	1994	Neighbors brought suit alleging that homeowner's massive Christmas lights constituted a public and private nuisance.	Injunction against homeowner for maintaining light display.	Granted. Increased disruption from people coming to see the light display constituted a nuisance. Lower court's order to limit the hours and days of the light display was insufficient to abate nuisance.

California

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Walters v. City of Redondo Beach	205 Cal. App. 5th 809	2016	Neighboring homeowners challenge conditional use permit (CUP) granted to a combination car wash – coffee shop, after finding that the project was categorically exempt from the requirements of the California Environmental Quality Act (CEQA). Plaintiffs cite violation of Municipal Code because the city did not address light pollution among other adverse impacts.	Writ of mandate challenging city's finding of categorical exemption and grant of CUP.	City did not err in granting CUP and finding categorical exemption. City did consider all relevant adverse impacts.
Taxpayers for Accountable School Bond Spending v. San Diego	215 Cal. App. 4th 1013	2013	Organization brought suit against school district for renovating a high school stadium by installing new stadium	Declaratory, injunctive, and writ relief to vacate approval of the	Approval of project is vacated and environmental impact report

Unified School District			lighting, arguing significant environmental impact from light pollution and trespass, among other concerns. Organization disputes school district's finding of no significant environmental impact because of proposed mitigations.	project, order an EIR to be prepared, and enjoin school district from using bond proceeds to pay for the field lighting.	(EIR) is ordered to be prepared, not because of light trespass but because of parking and traffic concerns. School district is enjoined from using bond proceeds to pay for field lighting.
Merced Alliance for Responsible Growth v. City of Merced	Unpublished, 2012 WL 5984917	2012	City residents and organization challenge city's approval of proposed plan to construct a Walmart. Plaintiffs argue city violated CEQA because its EIR failed to adequately assess impacts of light pollution and trespass, among other concerns.	Order to set aside approval of Walmart plans.	Petition denied. EIR adequately assessed light pollution and trespass impacts of the proposed Walmart.
Spragens v. County of Sonoma	Unreported, 2011 WL 6396543	2011	Homeowner appeals their county's denial of a permit for them to install lights at their private tennis court, arguing that the county lacked sufficient evidence and violated CEQA.	Petition to set aside the county's denial of their permit request.	Denial affirmed. County had sufficient evidence showing light pollution and trespass. No violation of CEQA because permit was denied.
Melom v. City of Madera	183 Cal. App. 4th 41	2010	A private individual filed suit, arguing that expansion of the retail space of a "Super Target' within a proposed shopping center project required a supplemental EIR, citing light pollution among other concerns.	Writ of mandate against the city and the developer for violations of CEQA, among other things.	City did not violate CEQA. Plaintiff's argument that supercenter stores raised greater concerns regarding light pollution is without merit since the stores in this development will keep normal hours.

Fickewirth v. County of Placer	Unpublished, 2006 WL 2567998	2006	Two neighbors file separate lawsuits challenging the county for approving proposed changes in a hunting club to move its residence, clubhouse and bird growing facilities, adopting a mitigated negative declaration (MND) and approving a use permit. One of the neighbors argued the county did not adequately analyze light pollution and trespass issues.	Writ of mandate to set aside MND and issuance of permit.	Writs were partially granted and county was directed to prepare additional documentation, although not specifically with respect to light pollution.
West Davis Neighbors v. Regents of University of California	Unpublished, 2005 WL 3293040	2005	Organization challenged certification of EIR for long-range development plan for the UC Davis campus. The final EIR identified numerous potential significant environmental impacts, including "impairment of scenic vistas and visual character" and "increased light and glare."	Writ of mandate challenging the approval of the development plans and the certification of the associated EIR.	Writ denied. The Regents of University of California fulfilled its procedural obligation with respect to the EIR and its decisions were adequately supported by evidence.
Homeowners to Protect Educ./ Environment v. Montebello Unified School Dist.	Unpublished, 2003 WL 22792319	2003	Organization challenges school district's adoption of MND with respect to a project involving the renovation of high school athletic field that includes the installation of four elevated lights, citing light pollution among other concerns.	Writ of mandamus challenging adoption of the MND.	Writ denied. Organization has not shown substantial evidence showing that light seepage will be a problem despite mitigation measures.
Russian River Community Forum v. County of Sonoma	Unpublished, 2002 WL 31716715	2002	Organization challenged EIR and redevelopment plan of a strip of land that used to be a tourist destination. EIR stated future projects will undergo conditional approval to mitigate	Writ of mandamus to set aside EIR and redevelopment plan.	Writ denied. County's EIR was sufficient.

			impact of light pollution and trespass, among other concerns. Organization argued deferring consideration of mitigation measures is impermissible.		
National Parks and Conservation Ass'n v. County of Riverside	71 Cal. App. 4th 1341	1999	Organization challenges proposed landfill project located close to Joshua Tree National Park, citing light pollution among other concerns.	Writs of mandamus challenging EIR and various approvals given by the county.	Writs denied. EIR provides sufficient evidence to show that increases in lighting from the project will not make much difference, given existing level of lighting at the site.

Connecticut

Case Name	Citation	Year	Summary	Relief Sought	Resolution
St. Joseph's High School, Inc. v. Planning and Zoning Commission of Town of Trumbull	176 Conn. App. 570	2017	School challenged town zoning commissions denial of their request for a special use permit to install four 70-ft light poles to illuminate its athletic field.	Reversal of the denial.	Denial upheld because commission had sufficient evidence that the visual buffers are insufficient and light trespass would result in adverse effects on neighbors' quality of life and property values.
Patty v. Zoning Bd. of Appeals for Town of Wilton	Unpublished, 2015 WL 1002910	2015	Homeowners challenge decision of zoning board to grant variance allowing the construction of 70-ft light poles at a football field when zoning limits such poles to 30-ft.	Vacateur of the zoning board's decision.	Variance approval is vacated. The zoning board did not demonstrate that the zoning ordinance resulted in hardship or that light trespass was a legal, grandfathered nonconforming condition.
Tebbets v. Oliver Group	Unpublished, 2010 WL 3172598	2010	Homeowners sued town for failing to enforce zoning restrictions	Lawsuit for damages on theories of	Motion to strike granted for public nuisance and

			against neighboring company and for granting a permit to reconfigure the parking lot that resulted in excessive lighting, among other problems, causing plaintiffs to suffer emotional distress and physical sickness.	public nuisance, private nuisance, and negligent infliction of emotional distress. Defendant town moves to strike these claims.	private nuisance causes of action. Motion to strike for negligent infliction of emotional distress is denied because town should've realized that allowing the company's activities to continue would result in an unreasonable risk to the plaintiffs.
Smyth v. Somers Zoning Com'n	Unreported, 2009 WL 3645624	2009	Homeowner tried to intervene in existing lawsuit challenging a zoning change, claiming he could join the lawsuit because of the potential for additional light pollution at night.	Plaintiffs of existing lawsuit move to strike homeowner because he was not a proper intervenor.	Motion to strike granted. Homeowner's claims of injury are too speculative and he doesn't fit the Connecticut statutory definition of "aggrieved person."
Caruso v. Town of Westport	Unpublished, 2008 WL 2930216	2008	Plaintiff fell in a school parking lot when exiting her car after slipping on black ice or snow and sued the town, alleging, among other things, that the parking lot was inadequately lit and several lights were turned off.	Damages on theories of negligence. Both sides move for summary judgment.	Summary judgment denied because there were genuine issues of material fact.
Cash v. Planning & Zoning Com'n of Town of Westport	Unreported, 2006WL 3361390	2006	Homeowner appeals zoning board decision denying her application to rezone her property to allow building of affordable housing. The record showed concerns with increased light pollution as one reason, among others, for denying permit.	Vacateur of the permit denial.	Denied. Zoning board's decision contained sufficient reasoning.

City of Hartford v. Town of West Hartford	Unreported, 2004 WL 1926125	2004	Homeowners tried to join lawsuit between the City of Hartford and the Town of West Hartford over expansion of parking garage. They claimed permissive intervention because of concerns regarding increased light pollution, among other factors. Town objects.	Motion to join.	Motion denied. While concerns about light pollution could be used for lawsuits regarding land use, zoning, or common law nuisance, intervenors have no recognized interest because this is a trespass case.
DiLella v. Stratford Zoning Com'n	Unreported, 2004 WL 1675617	2004	Neighboring homeowners appeal zoning commission's decision to grant special case relief to a church for expanding an existing parking lot and converting residences to church offices. Plaintiffs contend commission did not adequately consider issues of light trespass from the parking lot, among other concerns.	Vacateur of the special case relief for the church.	Denied. There was sufficient evidence in the record to support zoning board's decision. For one, lighting design of the lot would reduce problems with light trespass.
Esposito v. Hamden Planning & Zoning Com'n	Unreported, 1999 WL 703072	1999	Homeowner appeals the approval of a special permit application for a proposed development by a private company. Company moves to dismiss, claiming homeowner was not aggrieved. Homeowner contests his property value will decrease due to increased light pollution, among other factors.	Defendant seeks motion to dismiss.	A hearing should be scheduled to see if homeowner's concerns about decreases in property value are supported by evidence.
Wright v. Town of Mansfield	Unpublished, 1999 WL 1081366	1999	Homeowner appealed finding that the glare caused by a security lighting system at neighbor's house was a private nuisance rather	Declaration that the zoning commission had acted arbitrarily.	Denied. Zoning commission presented evidence that the glare was a private nuisance and did

			than public nuisance problem and zoning commission had the discretion not to act.		not significantly impact the wellbeing of the town.
Kosbob v. Alvarez	Unreported, 1998 WL 695061	1998	Next of kin for victim of a brutal beating on a parking lot owned and by the City of Stamford sued the city for failing to adequately light parking lot, among other factors, under negligence and nuisance theories.	City filed motions to strike the negligence and nuisance claims against it.	Motion to strike negligence claim was denied. Plaintiffs sufficiently alleged that city should've known its failure to provide adequate lighting and security could result in violence. Motion to strike nuisance claim is granted because plaintiffs did not sufficiently allege city affirmatively created nuisance conditions.
Bradsell v. Zoning Com'n of City of Norwalk	Unpublished, 1994 WL 86327	1994	Residents challenge zoning commissions grant of a special permit to build pools in a private beach club, arguing the commission failed to adequately consider the impact of increased lighting in the neighborhood, among other concerns.	Vacateur of the grant of a special permit.	Denied. Commission's decision had adequate support in the record.
Gordon v. Bridgeport Housing	208 Conn. 161	1988	Conservatrix of the victim of a brutal beating in a government housing project filed lawsuit against the City of Bridgeport by executor of person, arguing among other things, that the city failed its duty as a landlord to maintain interior lighting and safe, habitable conditions.	Appeal after trial court found the city owed no duty to the victim.	Affirmed. The housing authority was a separate corporate entity so the city cannot be held liable as a "landlord" and no agency relationship existed between the housing authority and the city.

Delaware

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Hildebrand v. Watts	Unpublished, 1997 WL 124150	1997	Homeowner brought nuisance suit against neighbor, arguing neighbor's installation of roof lights interfered with their sleep.	Injunction against use of lights.	Denied. The harm suffered by the plaintiff (i.e. loss of sleep) was not outweighed by the legitimate interest of defendant to install lights for protection against crime.
Barbour v. Board of Adjustment of Town of Bethany Beach	Unpublished, 1993 WL 180353	1993	Applicant seeking to build a mini-golf course challenged denial of their application by zoning board.	Reversal of board's decision.	Granted. Despite conflicting testimony on problems with light pollution, among other concerns, the board never specifically addressed any of those issues and did not meet its responsibilities under the zoning code.
Fenton v. Longwill	Unpublished, 1987 WL 19559	1987	Plaintiffs brought suit against next door neighbor's lighted, enclosed pool structure, alleging glare off the pool constituted a nuisance.	Damages.	Denied. Based on chancellor's visit to the pool and contradictory witness testimony, the glare off the lighted pool did not rise to the level of a nuisance.

D.C.

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Friendship Neighborhood Coalition v. District of Columbia Bd.	403 A.2d 291	1979	Group challenges board of zoning adjustment's grant of special exceptions to allow for a supermarket to build a parking lot, citing light	Vacateur of the grants of special exception.	Denied. The board's decision was supported by sufficient evidence.

of Zoning Adjustment			pollution from the parking lot, among other issues, would adversely affect the residential character of the neighborhood.		
Glenbrook Road Ass'n v. District of Columbia Bd. of Zoning Adjustment	605 A.2d 22	1992	Neighborhood groups challenged Board of Zoning Adjustment's approval of university's new site plans for multiple procedural and substantive deficiencies. They argue, among other things, that elimination of a parcel that served as a natural buffer would increase neighborhood light pollution.	Vacateur of the Board's approval.	Denied. The Board's decision to grant the special exception was supported by evidence and the procedural errors were harmless.

Florida

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Katherine's Bay LLC v. Fagan	52 So.3d 19	2010	Owner of a plot of land challenges an administrative law judge's (ALJ) holding that an amendment to the county's comprehensive plan concerning plaintiff's land was invalid because it rendered the plan internally inconsistent. ALJ had relied on the testimony that rezoning would increase light pollution, among other problems, and decrease property value.	Reversal of the ALJ's conclusion and reinstatement of the ordinance.	Granted. ALJ cannot rely on the testimony of a layperson rather than an expert for impacts like light pollution, among other problems, as substantial evidence.
Payne v. City of Miami	53 So.3d 258	2010	Boat captain, neighborhood association, and trade association challenged	Vacateur of the city's amendment to	Granted. Proposed use was inconsistent with the city's

			City of Miami's approval of amendment to city's future land-use map to allow the construction of two high-rise condos in place of a former boatyard. During trial, expert testimony was heard that siting residential buildings right next to industrial areas would result in severe light issues, among other concerns.	the future land-use map.	comprehensive plan.
Stranahan House, Inc. v. City of Fort Lauderdale	967 So.2d 427	2007	Historical museum and organization dedicated to its protection challenged city's approval of condo construction project, citing increased lighting among other concerns. Trial court granted city's motion to dismiss.	Reversal of motion to dismiss.	Granted. Museum's complaint of adverse effects from increased lights and other environmental concerns established Museum's standing to sue.
Pollard v. Palm Beach County	560 So.2d 1358	1990	Property owner challenged denial of her application for a special exception to use the property as a living facility for the elderly. Lower court denied the petition based on concerns of neighbors regarding increased light pollution and other problems.	Writ of certiorari to review denial of application.	Granted. Opinions of residents cannot be considered factual evidence for the purpose of denying a zoning change application.
Kies v. Hollub	450 So.2d 251	1984	County's architectural control committee brought suit to compel homeowners to remove the lighting poles installed to light their private tennis court.	Order to remove the lighting poles.	Denied. Construction of lighting was not expressly prohibited by restrictive covenants and expert testimony showed that the lighting did not

					constitute a nuisance.
Eastside Properties Inc. v. Dade County	358 So.2d 873	1978	Property owner challenged denial of their rezoning application to permit townhouse and shopping center development. County's professional staff strongly objected to the proposed shopping center, citing concerns about glaring lights among other issues.	Writ of certiorari to review denial of rezoning application.	Writ denied. Property owner did not show that the County's decision was arbitrary and capricious.
Rogers v. City of Miami Springs	231 So.2d 257	1970	Taxpayer sought to prevent city from using land that it owned as a park and from installing floodlights for nighttime activities.	Injunction against the city for the proposed use.	Denied. Nothing in the record shows that the decision to turn land into a park or to install lights was procedurally improper. However, right of plaintiffs to bring future lawsuit for nuisance was preserved.
Grentner v. Le Jeune Auto Theater	85 So.2d 2238	1956	Drive-in movie theater brought suit against neighboring car lot, arguing lot lighting was interfering with its business.	Order to compel car lot to eliminate its objectionable lighting.	Granted. Light did not constitute a nuisance but lot owner violated restrictive covenant in its deed, specifying that it could not operate in a way that was "objectionable" to theater.

Georgia

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Garden Hills Civic Ass'n Inc. v. Metropolitan Atlanta Rapid	256 Ga.App. 367	2002	Homeowners and organization sued the Metropolitan Atlanta Rapid Transit Authority's rezoning decision.	Reversal of the trial court's dismissal for	Denied. Homeowners did not have standing because they did not allege that

Transit Authority			Homeowners allege that development of rezoned property would increase adverse effects from light and other problems. Trial court dismissed their claims for lack of standing.	lack of standing.	rezoning decision actually changed the way the area was being developed.
Tollison v. Georgia Power Co.	53 Ga.App. 795	1936	Citizen injured due to collision of two cars sued power utility company contracted by the city for failing to light a dangerous place on the city street.	Damages.	Claim dismissed. Absent a statute or contract, the city and by extension, its contractor, owed no duty to citizen to light the streets.

Idaho

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saings v. Ashton	92 Idaho 571	1968	Church sued city to stop it from interfering with the church's night time recreational activities. Neighbors to the recreation field intervened, complaining primarily of lights from the field.	Injunction against the city and the church.	Granted with modifications. Church recreation field was a permitted use under the city code. Lights would not be a nuisance if church complied with the district court's order only to operate from 7 am - 10 pm.
Hansen v. Independent School Dist. No. 1 in Nez Perce County	98 P.2d 959	1939	Neighbors filed suit against school district, which leased out a field for the playing of night baseball games. Plaintiffs complained of light trespass from the night games preventing them from sleeping.	Injunction against school district from causing light to be shined on plaintiffs' property.	Granted. Ball field was located in a residential district, making it particularly injurious to plaintiffs.

Illinois

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Helping Others Maintain Environmental Standards v. Bos	406 Ill. App. 3d 669	2010	Neighboring homeowners and organization appeal, among other things, trial court's denial of a	Permanent injunction against construction of megadairy.	Appeal dismissed. Homeowners concerns were not competent evidence of

			permanent injunction against defendant who was planning to build a megadairy, citing concerns about light trespass from the megadairy, among other problems.		nuisance or trespass, so plaintiffs did not meet their burden of proof.
Dunlap v. Village of Schaumburg	394 Ill. App. 3d 629	2009	Homeowner challenged the village's grant of variance to another neighbor to build a backyard patio room. Plaintiff complained about light trespass from the patio room, among other concerns.	Declaratory judgment to invalidate the variance and enjoin neighbors from building anything within 30 feet of their rear lot line.	Denied. Plaintiff didn't provide actual evidence of diminution in their property value and couldn't prove the variance would actually change the existing use of the property.
People ex rel. Klaeren v. Village of Lisle	202 Ill.2d 164	2002	Neighboring homeowners sued village and Meijer for annexation of land, rezoning, and grant of special uses to Meijer for building a new store, arguing that increased lighting, among other problems, would diminish their property values and quality of life.	Preliminary injunction to stop the continuation of construction.	Granted. Plaintiffs were deprived of substantive due process because they were not allowed to cross examine witnesses at the public hearing regarding Meijer's petitions.
Hansen v. Orth	247 Ill.App.3d 411	1993	Landowners in planned community sued neighbors who put up lights on their tennis court without proper approval for nuisance.	Injunction prohibiting the use of the lights and requiring their removal.	Dismissed because time barred. The planned community's building approval covenant required that the lawsuit be filed before the light installations were completed.
Wilmette Park Dist. v. Village of Wilmette	134 Ill. App. 3d 657	1986	Village park district argued that it was exempt from the zoning laws of the village requiring a special use permit to install new	Declaratory judgment that the village park district was exempt	Denied. Park district was required to comply with zoning laws and apply for a

			athletic field lights that may result in light trespass on neighbors' property because it was carrying out its statutory function.	from village zoning laws.	permit to install the lights.
Wells v. Village of Libertyville	153 Ill. App. 3d 361	1987	Homeowners challenge rezoning of neighboring property from residential to business, arguing that their property value has diminished as a result of the rezoning because of light pollution at night, among other concerns.	Declaratory and injunctive relief from rezoning.	Denied. The evidence regarding the adverse effect of the rezoning on plaintiffs' property values is contradictory, but trial court did not err in finding that the zoning board did not act arbitrarily.
Michalek v. Village of Midlothian	116 Ill. App. 3d 1021	1983	Landowner challenges village's denial of their petition to rezone their property for multiple-family use, arguing that the current zoning of single-family use is arbitrary and capricious as applied to them. Village cited concerns about light pollution from the proposed multifamily use as one reason among others for denying the rezoning.	Declaration that current zoning is unreasonable as applied to plaintiffs.	Denied. Village presented sufficient evidence showing that current zoning was valid as applied to plaintiffs.
Finfrock v. City of Urbana		1976	Landowner challenged city's denial of his petition to rezone his property to allow him to build a shopping center, arguing that the city's zoning ordinance was void and unenforceable as applied to him. City argued that commercial development would have detrimental effect on neighboring nature reserve by increasing	Declaration that city's zoning ordinance was void as applied and injunction against the city for further interference with development project.	Denied. City was not arbitrary and capricious in its decision and plaintiff failed to demonstrate ordinance was unenforceable as applied to him.

			light pollution, among other problems.		
Belmar Drive-In Theatre Co. v. Illinois State Toll Highway Commission	216 N.E.2d 788	1966	Operator of drive-in movie theater sued state highway commission and operators of concessions at toll road service center because artificial lights interfered with its movie business.	Damages.	Denied. Defendants not liable for nuisance, negligence or eminent domain just because business is particularly light sensitive.
Munie v. Millner	245 Ill.App. 257	1924	Neighbor sued operator of gas station and open-air garage, alleging the operation of their high-power electric lights constituted a nuisance.	Temporary injunction.	Granted with modifications. Defendant can operate from 6:30 am – 10 pm because that would allow the business to continue without significantly disturbing plaintiffs.

Indiana

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Lesh v. Chandler	944 N.E.2d 942	2011	Homeowner sued neighbor for targeting lights at their house, among other nuisance claims.	Permanent injunction against the neighbor. Damages for harm suffered.	Permanent injunction and damages awarded by the lower court were affirmed.
Morrow v. Kucharski	933 N.E.2d 45 (Table)	2010	Homeowner sued neighbor, alleging among other things that the operation of the neighbors' home as a courier business was a nuisance due to bright lights flooding plaintiffs' yard and causing plaintiff more migraines.	Damages.	Granted. Plaintiffs presented sufficient evidence to prove nuisance.
Green v. Hancock County Bd. of Zoning Appeals	851 N.E.2d 962	2006	Neighbors challenged board of zoning appeals' grant of special exception to a property owner to build a	Petition for writ of certiorari, arguing zoning board had	Denied. Zoning board had correctly interpreted its ordinance and the proposed banquet

			banquet hall-wedding facility, citing light pollution among other concerns.	exceeded its authority.	hall-wedding facility fell within the special exception.
Bagko Development Co. v. Damitz	640 N.E.2d 67	1994	Neighbor and developer sued homeowner for using their lot as a Little League field, citing the field's lighting shined into their house and constituted a nuisance.	Injunction against use of lot as Little League field.	Denied. Plaintiffs did not meet their burden of proof that the lights were a nuisance. They are rarely turned on and plaintiffs never complained before.
Chadwick v. Alleshouse	136 Ind.App. 52	1964	Neighbors sued to stop the operation of an automobile race track, which was causing strong glare among other problems for the plaintiffs and preventing them from sleeping and decreasing their property values.	Injunction against the operation of the track.	Granted. Plaintiffs sufficiently proved their allegations.

Iowa

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Cox v. City of Des Moines	235 Iowa 178	1944	Partygoer fell through the unlit well of an outside basement stairway located on a municipal golf course. Plaintiff argued that the city was negligent in failing to light the basement entrance.	Damages.	Denied. Although plaintiff was an invitee on city's land, the city owed him no duty because the event had concluded and he wasn't supposed to be in the area where he fell.
Blain v. Town of Montezuma	150 Iowa 141	1911	Horse driver collided with another horse driver and sued the town for contributory negligence for failing to adequately light the street where accident occurred.	Damages.	Denied. It is well settled that towns don't have a duty to light the streets unless there are conditions making lighting necessary for safe travel. Town has no absolute obligation to maintain a

					certain level or method of lighting.

Kansas

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Vickridge First & Second Addition Homeowners Ass'n, Inc. v. Catholic Diocese of Wichita	212 Kan. 348	1973	Neighboring property owners brought suit to stop the construction of a baseball diamond, football field, and athletic facility on an existing private school campus. Trial court had granted the injunction, citing concerns about night football games causing light trespass, among other problems.	Continue the permanent injunction against construction.	Denied. Plaintiffs did not adequately prove that the construction and use of the facilities would actually damage them, considering the school implemented measures to reduce some of their concerns. Trial court cannot base its decision on the future possibility of installing floodlights when there are no current plans to do so.

Kentucky

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Board of Education of Louisville v. Klein	303 Ky. 234	1946	Neighbors brought suit to stop board of education from installing lighting equipment for night football games at high school stadium, claiming nuisance.	Permanent injunction.	Denied. Night football games are not a nuisance per se. Since the lighting has not been constructed, the court cannot say that the way they will be used will constitute a nuisance.
Community Public Service Co. v. Northcutt	272 Ky. 494	1938	Homeowner sued utility company for nuisance, among other claims, because it placed a powerful street lamp a few feet from her front door, which attracted swarms of insects and	Damages.	Remanded for new trial. The actions in question were done by the predecessor utility company and the trial court did not determine whether

			prevented her from using her porch.		new utility is liable for actions by its predecessor.

Louisiana

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Giorgia v. Alliance Operating Corp	921 So.2d 58	2006	Boaters injured by collision with an unlit orphaned oil production platform that was on lease from the state sued the state for negligence.	Monetary damages.	Damages awarded by the lower court were reversed. State had no duty to light orphan oil production platform because it neither controlled nor benefited from the platform. Even though oil production had ceased, ownership did not revert back to the state.
Welcker v. Fair Grounds Corp.	577 So.2d 301	1991	Owner of historic building sued owner of fair grounds, alleging the use of infield track lights for evening races damaged the ambiance of their property.	Damages.	Denied. The short duration that the lights are turned on meant they were merely an inconvenience. Plaintiffs did not present sufficient evidence showing a decrease in their property value.
Rodrigue v. Copeland	475 So.2d 1071	1985	Neighbors sued to stop homeowner from operating their extravagant Christmas light and music display.	Injunction against operation of display.	Granted. The display caused neighbors real damage and restrictions did not contravene defendant's right to religious expression.
City of New Orleans v. Estrade	8 So.2d 546	1942	Defendant was criminally convicted of allegedly violating a city ordinance by constructing a horseshoe court in his home that was	Dismissal of his conviction.	Granted. Just because horseshoe throwing was not listed in the exceptions to banned activities in the city ordinance

			equipped with lights for nighttime playing.		did not mean it was necessarily illegal. Neighbors could have brought nuisance action instead.

Maine

Case Name	Citation	Year	Summary	Relief Sought	Resolution
St. Hilaire v. City of Auburn	Unpublished, 2003 WL 21911064	2003	Homeowner challenged city's decision to grant a special permit and approve the site plan of the expansion of an automobile business, citing concerns about increased light pollution among other factors.	Vacateur of the grant of special permit and site plan approval.	Denied. The findings of the city were supported by evidence. Private nuisance claim requires actual injury suffered, not just potential injury from increased light pollution, for example.

Maryland

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Anne Arundel County v. Harwood Civic Ass'n, Inc.	442 Md. 595	2015	Property owners filed suit against county for its comprehensive zoning action, arguing that they suffered damage from increased light pollution due to rezoning, among other concerns. Plaintiffs argued they had standing as property owners near the rezoned areas.	Declaratory judgment and equitable relief against the county that its comprehensive rezoning ordinance was invalid.	Plaintiffs did not have standing as property owners because this was a change in a comprehensive zoning ordinance.
Blue Ink, Ltd. v. Two Farms, Inc.	218 Md. App. 77	2014	Drive-in movie theater sues neighboring gas station for light trespass, arguing that the lights emitted by the defendant interfered with the viewing experience at the theater.	Damages in order to build a fence to block out the light.	Denied. Just because a drive-in movie theater has special need for darkness did not mean the gas station acted unreasonably to support a private nuisance claim. Moreover, no moviegoer has ever

					complained about the light from the gas station.
Green v. Garret	193 Md. 260	1949	Homeowners brought suit to prevent the use of municipal stadium for playing professional baseball, citing light trespass from the stadium shined directly into their homes.	Injunction and other relief.	Injunction granted to prohibit the use of any lights in the stadium which shined directly into nearby homes.

Massachusetts

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Bloomgarden v. Considine	Unpublished, 2017 WL 3045818	2015	Neighboring property owners challenged grant of a special permit to build a resort, citing increased light pollution, among other concerns, as the basis for their standing.	Vacateur of the special permit.	Denied. Permitting decision was not arbitrary and capricious. Plaintiffs did not have standing based on light pollution because their evidence was speculative whereas the defendant offered ample evidence about proposed measures to mitigate light pollution.
Cumberland Farms, Inc. v. Jacob	Unpublished, 2015 WL 5824402	2015	Cumberland Farms challenged the zoning board's decision to deny some permits that would allow it to redevelop its store. Zoning board cited concerns about increased glare and light pollution as one reason for the denial.	Vacateur of the zoning board's denial of special permits.	Granted. Evidence presented showed that there would not be much additional light emanating from the property. Judge also mentioned that the increase in light should be welcomed as "an additional safety feature for pedestrians, bicyclists, and even cars…traveling along that road."

Geraci v. City of Waltham	Unpublished, 2013 WL 5966787	2013	Neighboring homeowner challenged the issuance of a building permit to build two single family houses, arguing she has standing based on the harm she is expected to suffer from light pollution among other problems.	Vacateur of issuance of building permit and declaration that the zoning ordinance was invalid.	Plaintiff did have standing because building two houses where one stands currently will increase amount of light pollution. Nevertheless, the permit is upheld and the zoning ordinance is not invalid.
Farrington v. Cambridge Historical Com'n	Unpublished, 2012 WL 1884656	2012	Neighbors challenged the issuance of special permits to a university for construction of new building, citing light pollution among other concerns.	Vacateur of grant of special permit.	Denied. Plaintiffs did not present any evidence or studies showing an increase in light pollution due to the proposed project. Defendants presented evidence of minimization measures to reduce light pollution problems.
Pollard v. Boston Redevelopment Authority	Unpublished, 2012 WL 1088574	2012	Homeowners challenged Boston Redevelopment Authority's approval of proposal to develop low-income housing and medical care facilities. Plaintiffs cite increased artificial light, among other problems, to establish standing.	Vacateur of approval of development plan.	Denied. Plaintiffs did not have standing because they failed to provide evidence that they will actually be harmed by the lights from the proposed development.
Tucker v. Stein	Unpublished, 2012 WL 5984893	2012	Neighbors challenged variances and special permits granted to developer to convert existing commercial buildings into condos, citing increased artificial lighting,	Vacateur of the variances and special permits.	Denied. Plaintiffs did not have standing because they did not present evidence showing that proposed development

			among other problems, to establish standing.		would actually result in detrimental increases in artificial light.
Davis v. Town of Dudley	Unpublished, 2011 WL 3808547	2011	Neighbors challenged town's approval of site plan for a parking lot, alleging light trespass among other concerns.	Vacateur of the site plan approval for the parking lot.	Denied. Evidence showed that design of parking lot would not result in light trespass on plaintiffs' property.
Twardowski v. Ukstins	Unpublished, 2011 WL 3569272	2011	Neighbor challenged variance granted by town to allow an increased number of parking spaces, alleging light pollution among other problems.	Vacateur of the grant of variances.	Denied. Plaintiff did not present specific evidence showing she would be harmed by the lighting, especially since she lived on the third floor.
Condon v. Becker	Unpublished, 2009 WL 4547041	2009	Neighbors challenged town's grant of a special permit for building a pool, citing light pollution among other concerns.	Vacateur of the grant of special permit.	Denied. Plaintiffs did not meet their burden of providing evidence that the proposed lighting configuration would cause them actual harm.
Rhines v. Figuerido	Unpublished, 2008 WL 2623937	2008	Neighbor challenged town's grant of a variance for building a single-family home, citing light pollution, among other problems.	Vacateur of the grant of special variance.	Denied. Plaintiffs did not have standing because they did not show that the defendant planned to install intrusive lighting.
Henshaw v. Board of Appeals of Town of Tisbury	Unpublished, 2006 WL 2514177	2006	Neighbors challenged grant of comprehensive permit to develop affordable housing units, arguing that increased lighting among other problems would negatively affect their privacy and quiet use.	Vacateur of the grant of comprehensive permit.	Denied. The marginal detriment to the neighboring property owners was outweighed by the need for affordable housing. The evidence of intrusive lighting offered by the plaintiffs was speculative.

Standerwick v. Zoning Bd. of Appeals of	447 Mass. 20	2006	Neighboring landowners challenged grant of comprehensive permit to developer to build affordable housing, citing diminution of their real estate value as a result of increased light pollution.	Vacateur of the grant of comprehensive permit.	Denied. Diminished real estate values due to increased light pollution does not confer standing since the overriding intent of the Legislature allowing these comprehensive permits is to provide affordable housing.
Almori v. Laurel-Paine	Unpublished, 2005 WL 1515728	2005	Property owners challenged the zoning board's grant of a permit to construct a commercial building and the validity of a zoning amendment rezoning the property in question. Plaintiffs alleged they will be harmed by light pollution, among other problems, arising from the proposed development.	Vacateur of the grant of special permit and declaration that the rezoning was invalid.	Denied. Plaintiffs concerns about light pollution were too speculative, so they did not have standing to challenge the special permit. The rezoning was valid because plaintiffs did not show that rezoning did not promote public welfare.
Boothroyd v. Zoning Bd. of Appeals of Amherst	Unpublished, 2005 WL 1307867	2005	Neighbors challenged issuance of comprehensive permit to build low-income housing, citing light pollution, among other concerns.	Vacateur of the comprehensive permit and declaration that the zoning board exceeded its authority.	Denied. Plaintiffs only offered speculative evidence about how the proposed development would increase the impact of artificial light. The developer took steps to mitigate light pollution.
Mandalos v. Regan	Unpublished, 2005 WL 3143713	2005	Homeowner challenged the town's issuance of a special permit to neighbor build an addition to her nonconforming single-single family	Vacateur of the special permit and declaration that the zoning board	Granted. Defendants did not provide any evidence showing that the addition would not result in increased light

			house, arguing that he would be negatively impacted by the increase in artificial light, among other concerns.	exceeded its authority.	trespass, so plaintiff had standing. Zoning board did not do sufficient factfinding in support of its decision.
B.J.'s Wholesale Club, Inc. v. Hutchings	Unpublished, 2000 WL 1513786	2000	B.J.'s challenged city's denial of its application for a special permit to build a gas station. Zoning board cited concerns about light pollution as one reason for denying the permit.	Annulment of the zoning board's denial.	Granted. The zoning board acted arbitrarily because there was no basis for finding that neighbors would suffer from increased light pollution, among other problems, as a result of the gas station.
Lynn Open Air Theatre, Inc. v. Sea Crest Cadillac-Pontiac, Inc.	1 Mass. App.Ct. 186	1973	Owner of drive in movie theater sued neighboring business arguing that their use of floodlights interfered with theater's movie showing.	Injunction against use of floodlights.	Denied. Use of floodlights in a highly commercial, well-lit neighborhood was not unreasonable or malicious. Business owed no duty to accommodate theater's light sensitivities.
Nugent v. Melville Shoe Corporation	280 Mass. 469	1932	Neighbors sued company because it maintained a row of nitrogen lights without covers that turned on at midnight every night and disturbed their sleep, among other problems.	Damages.	Granted. The lights constituted a nuisance.

Michigan

Case Name	Citation	Year	Summary	Relief Sought	Resolution
International Outdoor, Inc. v. City of Harper Woods	Unpublished, 2016 WL 4375645	2016	Company challenged decision of the zoning board to deny it special permits for the	Annulment of the denial of the special permits.	Denied. The zoning board provided adequate evidence and its decision

			construction of a billboard. Zoning board cited concerns that billboard would create light pollution that would shine into neighboring condo units and disturb the tenants' sleep.		was not an abuse of discretion.
Tobin v. City of Frankfort	Unpublished, 2012 WL 2126096	2012	Group of property owners attempt to intervene in a zoning dispute between a condo developer and the city, citing concerns about increases in artificial lighting, among other problems, as basis for standing.	Permission to intervene in the lawsuit.	Denied. Intervenor's claims about damages resulting from the development are too general.
Hughes v. Almena Twp.	284 Mich. App. 50	2009	Landowners challenged denial of their preliminary site plan for planned unit development. Zoning board cited concerns about increased light pollution, among other problems, as justification.	Vacateur of the zoning board's denial.	Denied. There was sufficient evidence to support zoning board's denial of the preliminary site plan.
Cunningham v. City of Grosse Pointe Woods	Unpublished, 2001 WL 716882	2001	Homeowners challenged the installation of lights on a high school athletic field for night games, alleging nuisance claims and violations of municipal ordinances.	Injunction to prevent evening sporting events and removal of lights.	Denied. Injury suffered by plaintiffs due to the few night games does not outweigh the social utility of the night games. Plaintiff did not properly bring their claim of violations of the municipal ordinance.

Minnesota

Case Name	Citation	Year	Summary	Relief Sought	Resolution

Whitefish Area Property Owners Ass'n v. Minnesota-Iowa Baptist	Unpublished, 2015 WL 647967	2015	Organization challenged the denial of their request for the preparation of an environmental-assessment worksheet, arguing that the proposed expansion of a church camp will have significant environmental effects, including increased light pollution.	Preparation of an environmental-assessment worksheet.	Denied. Plaintiff failed to show that there was potential for significant environmental effects. For example, the nearest lighted area is located 650 ft from the lake and the camp intends to use only downward facing lights.
Vigstol v. Isanti County Bd. of Com'rs.	Unpublished, 2014 WL 6862933	2014	Plaintiff challenged county's denial of CUP for opening a country event venue, arguing that the county's decision was arbitrary because the plaintiff met the ordinance requirements, including provisions for reducing light pollution.	Issuance of the CUP.	Granted. The county's denial of the CUP was arbitrary and capricious because the evidence for its decision was insufficient and speculative.
State ex rel. Friends of the Boundary Waters Wilderness v. AT&T Mobility, LLC	Unpublished, 2012 WL 2202984	2012	Environmental group brought lawsuit challenging building of new cell phone tower for damaging nearby wilderness area with blinking light, in violation of the Minnesota Environmental Rights Act (MERA).	Permanent injunction against the construction of the cell phone tower.	Denied. Plaintiff did not establish a case under MERA because there was no evidence that the tower would have a *severe* adverse effect on the wilderness area.
Stelzner v. Bakken	Unpublished, 1997 WL 729229	1997	Homeowner filed suit to enjoin museum from building an extension, citing light pollution, among other concerns.	Writ of mandamus for city to enforce its zoning code and temporary restraining order to prevent defendant from building museum extension.	Denied. Plaintiff did not present competent evidence showing that there will be increased pollution due to the proposed museum extension to rebut defendant's evidence that there

					would not be light issues.

Mississippi

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Hall v. City of Ridgeland	37 So.3d 25	2010	Property owners challenge city's grant of a CUP to developer for construction of a 13-story building.	Annulment of the CUP.	Denied. Plaintiffs concerns about light pollution was sufficient to confer standing to challenge the height of the proposed building because Mississippi's standing requirements are not strict. Nevertheless, zoning board did not act arbitrarily by granting CUP.

Missouri

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Bush v. City of Cottleville	411 S.W.3d 860	2013	Property owner brought suit against city, board of adjustment, and owner of a cigar bar, citing violations of the municipal code and private nuisance for excessive light emitted by the cigar bar, among other problems.	Reversal of lower court's grant of defendants' motion to dismiss.	Plaintiff allegations were sufficient to bring claims against the owner of the cigar bar but not against the city and its board of adjustment.
George Ward Builders, Inc. v. City of Lee's Summit	157 S.W.3d 644	2004	Landowners brought complaint against city under common law nuisance, claiming that city's lighting system in the neighboring ballpark interfered with the residents' enjoyment of their property and negatively impacted marketability.	Damages and injunction against city from operating the park's lighting system.	Remanded for amended complaint. In Missouri, plaintiffs cannot bring an action for nuisance damages against a municipality. They can only bring an inverse condemnation claim.

Montana

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Heffernan v. Missoula City Council	360 Mont. 207	2011	Neighbors challenged the approval of a subdivision plat for violating neighborhood development plan, citing light pollution, among other problems, as basis for standing.	Vacateur of approval for zoning and preliminary plot for subdivision.	Granted. Neighbor had standing on allegations of light pollution. City acted arbitrarily because the subdivision plat violated the neighborhood plan.
Morton v. Lanier	311 Mont. 301	2002	Homeowner sued neighbor for directing blinking floodlights into their home at unreasonable hours. Lower court issued an injunction.	Damages for failing to comply with injunction.	Granted. Lower court did not err in finding that neighbor violated its injunctive order to redirect floodlights.

Nebraska

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Gonzalez v. Husker Concrete LLC	Unpublished, 2011 WL 4905527	2011	Neighboring homeowner filed suit against operator of a concrete plant, citing light trespass among other problems.	Injunction against plant from operating in a way that constituted a nuisance for the plaintiff.	Lower court erred by granting summary judgment to defendant. Plaintiff's affidavits sufficiently showed there were genuine issues of material fact.
Barrett v. City of Bellevue, Bd. of Adjustment	242 Neb. 548	1993	Homeowner appealed decision by board of adjustment stating that they did not have the authority to issue a variance so plaintiff can erect a high wooden fence to block out the security lights from her neighbor's property.	Grant of variance.	Granted. Board of Adjustment did have the power to issue variance.

Nevada

Case Name	Citation	Year	Summary	Relief Sought	Resolution
International Union of Painters and Allied Trades	2016 WL 4499940	2016	Owner of private building sued labor union for trespass because labor union	Injunction against labor union.	Denied. Trespass can only occur with tangible matters or if damage actually

District Council 15 Local 159 v. Great Wash Park, LLC			intentionally projected its lighted messages onto the building on several occasions.		occurs to the property. Since light is intangible and did not damage the building, there was no claim for trespass.

New Hampshire

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Alger v. Town of Goffstown	Unpublished, 2016 WL 3748661	2016	Neighbors brought action against town's board of adjustment for determining that a college installed its stadium lighting in compliance with the CUP issued by the town planning board. Plaintiffs argued that board of adjustment mistakenly relied on the existence of vegetative buffer against light trespass, which turned out not to exist.	Vacateur of the decision upholding the board of adjustment's decision.	Board of adjustment's decision was affirmed. Board was relying primarily on the proposed lighting specifications that reduced light trespass for its decision rather than the existence of vegetative buffer, as plaintiffs allege.

New Jersey

Case Name	Citation	Year	Summary	Relief Sought	Resolution
In re JLJ/GWJ, LLC	Unpublished, 2015 WL 11233038	2016	Property owners challenged New Jersey Department of Transportation's (DOT) issuance of a restricted use license to defendant to operate a helistop on its property, citing light pollution among other concerns.	Vacatuer of issuance of license.	Remanded for the DOT to explain why it granted defendant more flights than was requested. Restrictions on night-time use of helistop has abated plaintiffs' concern about light pollution.
Walker v. Board of Chosen Freeholders of County of Burlington	Unpublished, 2014 WL 8726306	2015	Plaintiffs sought review of town board's decision not to approve their plans to build and operate a solid waste material recovery	Vacateur of denial of application.	Denied. Board did not act arbitrarily when it did not accept the testimony of plaintiffs' expert on

			facility. Board cited concerns with the proposed facility's light pollution impacts, among other problems.		light issues, which did not provide firm answers.
Knight v. Township of Shamong	Unpublished, 2011 WL 2518750	2011	Homeowners challenged town's approval and installation of additional lighting for the softball fields it owned, arguing that town was bound by previous settlement agreement with homeowners that limited the lighting of the fields.	Injunction prohibiting the use of the installed lighting and removal of the lighting structures.	Denied. Town's previous settlement of homeowners was not entitled to the same treatment as a contract between private parties.
Village of Ridgefield Park v. New York, Susquehanna and Western Ry. Corp.	318 N.J. Super. 385	1999	Village sued railroad company, alleging that the railroad maintenance facility constituted a public nuisance because of bright lights at night, among other problems.	Injunction against the operation of the railroad facility.	Denied. Village must seek relief from federal regulatory authorities first, but may reopen the matter if the federal authority declines to act.
Kingwood Tp. Volunteer Fire Co. No. One v. Board of Adjustment of Tp. Of Kingwood	272 N.J. Super. 498	1993	Landowner and cellular company sued town and its board of adjustment to overturn decision by the board to deny variance allowing for the building of a taller cellular tower. Board cited light pollution, among other concerns, in its decision.	Vacateur of town's denial and issuance of the variance.	Granted. The board of adjustment acted arbitrarily in denying the variance by relying on testimony about light pollution that lacked credibility.
Watchung Lake v. Mobus	119 N.J.L. 272	1938	Business owner challenged council's denial of their permit to renew a bathing beach license and the passage of an ordinance under which the license was denied. Neighbors had objected to lights, among other problems, coming from the pool.	Declaration that ordinance was invalid.	Granted. Town cannot arbitrarily interfere with private business in the guise of protecting public interest. There was insufficient evidence that the lights constituted a nuisance.

The Shelburne v. Crossan Corp.	95 N.J. Eq. 188	1923	Hotel owner sues the neighboring building for erecting an illuminated sign that shines into a wing of the hotel, preventing guests from sleeping.	Injunction against use of the sign.	Granted with conditions. Operation of sign is prohibited after midnight because before midnight, the hotel has an orchestra playing so guests won't be able to sleep anyway.

New York

Case Name	Citation	Year	Summary	Relief Sought	Resolution
White Castle System, Inc. v. Zoning Appeals of Town of Hempstead	958 N.Y.S.2d 649 (Table)	2011	Fast-food chain appealed zoning board's denial of its application for special permits and variances to open a 24/7 restaurant. Zoning board cited light pollution, among other concerns.	Vacateur of the zoning board's denial decision.	Denied. Zoning board applied the required balancing tests and its determination was supported by substantial evidence.
Scott v. City of Buffalo	872 N.Y.S.2d 693 (Table)	2008	Plaintiffs brought suit against the city for its segmented environmental impact review regarding the sale of certain land to the Seneca Nation for building a casino, citing increased light pollution, among other concerns.	Injunction against city for taking further steps on the casino deal and compelling the city to do a complete environmental review.	Denied. City conducted sufficient environmental review to fulfill its statutory obligations.
Zupa v. Paradise Point Ass'n, Inc.	803 N.Y.S.2d 179	2005	Homeowners sued operators of a private marina for violating zoning ordinance prohibiting excessive lights, among other problems.	Permanent injunction against operation of the private marina.	Abutting homeowners had standing because they were harmed by defendant's actions but homeowners living 0.5 mi away do not.
Leroy Fantasies, Inc. v. Swidler	351 N.Y.S.2d 626	1995	Restaurant challenged city's Public Service Commission's order to Con Ed to discontinue supplying them with natural gas unless the	Vacateur of Commission's orders.	Denied. Commission had the authority to order the discontinuation of

			restaurant stopped using unmantled gas lamps, which were deemed wasteful.		natural gas to the restaurant.
Stawecki v. Fuerst	242 N.Y.S.2d 146	1963	Homeowners sued village for operating floodlights at village baseball diamond during summer months, arguing that the lights were a public nuisance.	Injunction against the village from using floodlights.	Denied. There was insufficient evidence to find public nuisance since the use of the lights for one hour after dark did not change the character of the neighborhood.
Town of Hempstead v. Goldblatt	9 N.Y.2d 101	1961	Town sued operator of a sand pit to stop operations until they obtained a permit required by town ordinance with provisions for lighting, among other requirements.	Injunction against sand pit operators until permit was obtained.	Upheld. The permit requirement was a reasonable exercise of regulatory power.
Peacock Point Corp. v. Meudon Land and Improvement Corp.	33 N.Y.S.2d 96	1941	Neighboring property owner brought suit against a company for dredging work to create a boating channel and selling the dredged gravel, complaining, among other problems, the use of glaring lights.	Temporary injunction preventing the dredging work.	Injunction denied since the facts are so vigorously debated. Defendant can continue work if they take out a corporate surety for any damages to plaintiff and stopped the use of glare lights and doing nighttime work.

North Carolina

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Ring v. Moore County	Unpublished, 2017 WL 6454449	2017	Neighbor filed suit against county for rezoning tract of land to allow for increased density of development, citing light pollution among other concerns.	Declaratory judgment that rezoning was null and void.	Denied. Plaintiff's concerns were too speculative to establish standing.

Campbell v. City of Statesville	791 S.E.2d 874	2016	Residents and business owners challenged city's approval of a site development plan for a truck stop, arguing the city council failed to adequately consider the adverse impact of a truck stop on their properties.	Vacateur of the city's approval of the site development plan.	Denied. City's decision was based on substantial and competent evidence. For example, some aspects of the development plan regarding light pollution control exceeds city code requirements.
Burnette v. Fox	238 N.C. App. 198	2014	Plaintiff sued neighbor over various property disputes. Defendant counterclaimed, asserting nuisance claims because plaintiff's installation of outdoor lighting shined into her house, despite window coverings.	Damages and punitive damages.	Granted. A reasonable jury could have found that plaintiff's actions constituted a nuisance.
Bailey and Associates, Inc. v. Wilmington Bd. of	202 N.C. App. 177	2010	Developer challenged city's decision that its land was a brackish marsh subject to special performance controls due to its conservation value. Neighbors intervened in this action, citing concerns about increased light pollution, among other problems, if development occurred without performance controls.	Dismissal of the intervenors claims.	Denied. Intervenors' allegations were sufficient to confer standing.
Mewborn v. Rudisill Gold Mine	211 N.C. 544	1937	Homeowners filed action against gold mine for personal and property injuries suffered as a result of excessive lighting.	Retrial because court failed to properly instruct the jury.	Denied. Judge did properly instruct the jury to consider where the mine was located in relation to the defendant.

Ohio

Case Name	Citation	Year	Summary	Relief Sought	Resolution

Nithiananthan v. Toirac	Slip copy, 2015 WL 1619097	2015	Two neighbors filed claims and counterclaims against each other, regarding a slate of property issues. One homeowner alleged installation of exterior lighting flooded their home with light and prevented them from sleeping.	Injunction and damages.	Granted. Homeowner was ordered not to direct their outdoor lighting at their neighbor's house and damages were awarded.
Adkins v. Boetcher	Slip copy, 2010 WL 571987	2010	Homeowners sued owners of nearby racetrack, citing injuries resulting from the track's use of lights during nighttime races.	Injunction against the operation of the racetrack.	Injunction granted to limit noise and light. After balancing the harm suffered by the plaintiffs with the benefits of operating the racetrack, the court decided against a permanent injunction and only ordered all lights be turned off by 11:45 pm to prevent disturbing plaintiffs.
Kramer v. Angel's Path, LLC	174 Ohio App.3d 359	2007	Homeowner sued neighboring housing developer, arguing among other complaints, that promotional sign which shined into homeowner's house 24/7 constituted nuisance and trespass.	Appeal of summary judgment for defendant.	Reversed. Plaintiffs presented sufficient evidence for their nuisance claim to overcome summary judgment. Injuries from light could not support a trespass action.
Ronald L. Newell v. Ohio Department of Transportation	Trial Order, 2007 WL 2401849	2007	Plaintiff filed suit against the Ohio Department of Transportation on theory of uncompensated taking because installation of the high mast lighting along the highway resulted in the failure of	Damages.	Denied. Plaintiff did not allege a harm that differed in kind from the type suffered by the general public so plaintiff's claim failed.

			his bean crops due to the constant light.		
Kuhn v. Board of Com'rs of Hamilton County, Ohio	Unpublished, 1996 WL 134464	1996	Plaintiffs challenged decision by zoning commission not to rezone land from residential to commercial, arguing land cannot be developed as zoned due to existing light pollution and other problems from interstate highway.	Declaration that the zoning decision by the board was un-constitutio nal.	Denied. Zoning decision was not unconstitutional. Lower court did not err by not allowing photographic evidence of the night-time light pollution since the photographs did not accurately depict the level of lighting.
Gustafson v. Cotco Enterprises, Inc.	42 Ohio App.2d 45	1974	Neighbors filed suit against proposed construction of a drag strip race track in a residential neighborhood, citing increased lighting among other concerns. Town did not have any zoning laws or regulations.	Injunction against construction of racetrack and attorney's fees.	Injunction granted. Noise from racetrack constituted nuisance but not enough evidence to prove light was nuisance. Award of attorney's fees denied.
Shew v. Deremer	203 N.E.2d 863	1963	Neighbors brought nuisance claim against defendant planning to construct an automobile race track for nighttime racing.	Injunction against the construction.	Granted. Proposed race track was not an preexisting nonconforming use and constituted a nuisance because of light pollution from the premises, among other problems.

Oklahoma

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Laubenstein v. Bode Tower, LLC	392 P.3d 706	2016	Neighbor brought action arguing lights from cellular tower was a nuisance because he was an amateur astronomer and worked very hard to decrease	Declaration that the cellular tower was a nuisance.	Denied. Nuisance claims must substantially interfere with ordinary human comforts and cannot be based

			the level of light on his property.		on purely aesthetic concerns

Oregon

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Amphitheaters, Inc. v. Portland Meadows	184 Or. 366	1948	Outdoor movie theater filed suit in both trespass and nuisance against adjoining horse race track for disturbing its business by casting light into its property.	Damages.	Denied. Light pollution case must be brought as nuisance rather than trespass case. Movie theater cannot hold neighbor to higher bar of liability just because it is particularly sensitive to light pollution.

Pennsylvania

Case Name	Citation	Year	Summary	Relief Sought	Resolution
EDF Renewable Energy v. Foster Township Zoning Hearing Board	150 A.3d 538	2016	Energy company challenged decision by township zoning board to deny application for special exception to construct a wind farm. Township residents, including president of local astronomical society, argued wind turbines would block the night sky and increase light pollution.	Vacateur of denial of application for special exception.	Denied. Energy company failed to provide sufficient evidence that proposed use would not adversely affect the community and property values, in violation of zoning ordinance requirements.
Gorsline v. Board of Sup'rs of Fairfield Tp.		2015	Energy company challenged the decision of the trial court finding that the township's board of supervisors improperly granted the company a CUP to locate a natural gas well. Company argued it met its burden of proof that the gas well would not be detrimental to public health and safety.	Reversal of trial court judgment.	Granted. Energy company met its burden of proof. Company offered expert testimony that its operations would not result in noticeable light glares whereas residents offered no evidence.

In re Arnold	984 A.2d 1	2009	Plaintiffs challenged the grant by township's board of supervisors of a conditional use application for Walmart to build a supercenter, citing deficiency of the Environmental Impact Statement (EIS) regarding light pollution, among other concerns.	Vacateur of approval.	Denied. Board imposed more stringent lighting requirements on Walmart to further reduce glare, not because Walmart's proposal produced "excessive brightness" that would violate the zoning ordinance.
Appeal of Lester M. Prange	166 Pa.Cmwlth. 626	1994	Owner of truck service business challenged decision by township zoning hearing board denying its application for special exemption and variance to expand its nonconforming use.	Vacateur of denial and grant of special exemption and variance.	Denied. Among other things, zoning board was justified in concluding that the proposal would be detrimental to public welfare since neighbors testified that they were having trouble sleeping due to the business's high wattage lights.
Richland Tp. v. Prodex, Inc.	166 Pa.Cmwlth. 313	1994	Town brought action for contempt against a welding company for violations of its zoning ordinances, including for the company's use of "strong and dazzling light."	Civil penalties.	Remanded. Lower court incorrectly calculated amount of civil penalties to be assessed.
Board of School Directors v. Kassab	69 Pa. Cmwlth. 65	1982	Neighbors filed suit against school board to stop it from erecting lights on a high school athletic field, arguing that the light would constitute a nuisance. Lower court found the lights would not be a nuisance but imposed restrictions on the lighting to reduce its	Injunction against erection of lighting.	Denied. Because lower court found that the lights would not be a nuisance, it lacked any equitable basis for imposing conditions on the use of the lights.

			inconvenience to plaintiffs.		
Lebanon Theatres Corp. v. Northeast Swim Club	51 Pa. D. & C.2d 21	1970	Drive in movie theater sued nonprofit operating a nearby swimming pool, arguing glare from pool was distracting movie viewers and adversely affecting their business.	Injunction against pool for operating after sunset.	Denied. Plaintiffs did not present enough evidence to show pool was a nuisance since no light was actually being projected onto plaintiffs' property and the only contention was that the glare was distracting.
Kohr v. Weber	402 Pa. 63	1960	Property owners sued neighboring racetrack, citing intense lighting that prevented plaintiffs from sleeping, among other problems.	Injunction against operation of the racetrack and damages.	Granted. There was sufficient evidence to find nuisance in fact.
Everson on Behalf of Everson Elec. Co. v. Zoning Bd. of Adjustment of City of Allentown	395 Pa. 168	1959	Business owner challenged city zoning board of adjustment's imposition of conditions and requirements on its grant of variance for expansion of a non-conforming use.	Vacateur of conditions and restrictions on the variance.	Denied. Zoning board did not abuse its discretion, in imposing conditions such as requiring the business owner to plant shrubbery to protect neighbors from light pollution. Power of the board to impose restrictions is inherent.
Firth v. Scherzberg	366 Pa. 443	1951	Neighbors sued to prevent defendants from using their property as parking space for trucks, citing light pollution among other problems for interfering with their sleep.	Injunction against defendants for operating property as parking space.	Injunction granted with modifications. Defendants' activities only constitute a nuisance at night so the injunction lasts only between 8 PM and 7 AM.

Rhode Island

Case Name	Citation	Year	Summary	Relief Sought	Resolution

Famiglietti v. Forge Const. Management, Inc.	Unpublished, 2002 WL 1804543	2002	Plaintiff challenged zoning board of review's grant of a special use permit for the construction of a single-family house on a nonconforming lot, arguing that the board did not elaborate its decision on why the proposed project met the requirements of the ordinance on special use permit, including light criteria.	Reversal of the grant of special use permit.	Denied. Zoning board had sufficient evidence that the special use permit criteria were met, even if it did not specifically discuss certain requirements, such as the design of outdoor lighting.

South Carolina

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Buffington v. T.O.E. Enterprises	383 S.C. 388	2009	Homeowners challenged the development of land by defendants for use as part of their car dealership, arguing violation of the subdivision's restrictive covenants prohibiting commercial use.	Injunction against defendants for using land for commercial purposes.	Granted. Enforcement of restrictive covenant must be done in equity, not law. Equitable doctrines in this case way in favor of homeowners and their concerns that commercial development will result in additional light pollution among other problems.
Clayborne v. Toshiba America, Inc.	Unpublished, 1995 WL 70611	1995	Homeowner sued neighboring business, arguing they were violating a zoning ordinance by operating a freight yard that shined lights on homeowner's property.	Declaratory and injunctive relief and damages.	Denied. Lower court did not err in finding that the lights emitted by defendant's business was not a nuisance since homeowners who lived closer to the business did not find the lights disturbing.
Home Sales, Inc. v. City of	299 S.C. 70	1989	Neighbor seek to restrict public access to street	Injunction against city's	Denied. Neighbor had notice that the

North Myrtle Beach			running to the beach after city opened up that part of the street to the public, citing light pollution from car headlights at night among other injuries.	opening up of the street to public use.	street might be opened up to the public when they bought the property. Normal use of the street cannot constitute a nuisance in an organized community.

Tennessee

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Maxwell v. Lax	40 Tenn.App. 461	1954	Homeowners brought nuisance suit, arguing that the construction of a lighted advertising sign which cast light into plaintiffs' home, among other problems, destroyed plaintiffs' rest and sleep.	Order for the sign's removal.	Granted. Light trespass and blockage of views were sufficient to be a nuisance.
Owenby v. Boring	38 Tenn.App. 540	1954	Homeowners brought action for the removal of lighted theater sign that cast light into homeowner's house, invoking restrictive covenants on their subdivision.	Injunction for removal of the sign.	Granted. Advertising sign violated restrictive covenant that subdivision remain exclusively residential.

Texas

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Aruba Petroleum, Inc. v. Parr	Unpublished, 2017 WL 462340	2017	Homeowners brought nuisance claims against petroleum company, citing injuries sustained due to company's light pollution, among other problems.	Damages.	Reversed. Plaintiffs did not prove that defendant knew or intended for the interference with plaintiff's enjoyment of their property, which is required to prove intentional nuisance.
Schmitz v. Denton County Cowboy Church	Unpublished, 2017 WL 3821886	2017	Neighbors brought numerous claims to stop a church from constructing new rodeo	Declaratory relief from nuisance,	Only one plaintiff had standing. His claim was ripe because he was

			arena, citing light trespass from construction and future injury from completed stadium lights, which caused plaintiffs loss of sleep.	among other relief.	affected by the lights from the construction site as well as the light and other problems caused by the old arena that is near the new arena.
Town of Dish v. Atmos Energy Corporation	519 S.W.3d 605	2017	Town and homeowners sued several energy production facilities for loss of property value and physical injury resulting from light pollution originating from the facilities, among other problems.	Damages.	Denied. Lawsuit was time barred because it was not brought within two years of when the problems first began.
Bishop v. Chappell Hill Service Company, LLC	Unpublished, 2015 WL 4591682	2015	Property owners brought a variety of claims against defendant for proposed development of land, after defendant applied for a permit to construct a wastewater treatment facility.	Declaratory judgment of plaintiffs' rights.	Denied. Plaintiffs' claims are not ripe because defendant has only applied for a TPDES permit and its future development of the area is too hypothetical.
Aaron v. Port of Houston Authority of Harris	Unpublished, 2013 WL 4779716	2013	Ninety homeowners filed suit against the Port of Houston Authority for damage to their enjoyment of their property resulting from the light and other pollution associated with the Port's operation of a container terminal. They alleged that they have the right to compensation under Article I, Section 17 of the Texas constitution because the pollution constituted a taking.	Damages due to taking.	Denied. Light and other forms of pollution resulting from a public work are considered non-compensable community injuries.
Port of Houston Authority v. Aaron	415 S.W.3d 355	2013	Same facts as in *Aaron v. Port of Houston Authority of Harris*. Plaintiffs in this suit	Damages.	Denied. Property damage alleged by the plaintiffs was not compensable

			brought nuisance actions under the Texas Tort Claims Act (TTCA), arguing the operation of the container terminal resulted in property damage and personal injury.		under the TTCA because it was a general harm suffered by the community. Plaintiffs' claim of personal injury fails because they only alleged "mental anguish" which is not actionable under common law.
Spicewood Springs Road Tunnel Coalition v. Leffingwell	Unpublished, 2013 WL 2631750	2013	Residents argued city failed to comply with the Texas Parks and Wildlife Code when it approved a project, citing light trespass from construction lights at night harming their property value and aesthetic enjoyment.	Injunctive relief.	Residents alleged particularized injury sufficient for standing.
C.C. Carlton Industries, Ltd. v. Blanchard	311 S.W.3d 654	2010	Property owner brought nuisance claims against developer and contractor, citing light trespass from bright lights that allowed nighttime construction was interfered with their sleep.	Damages.	Granted. The use of bright lights to allow for nighttime construction near plaintiff's house was extreme enough to constitute a nuisance.
Schneider Nat. Carriers, Inc. v. Bates	147 S.W.3d 264	2004	Property owners bring nuisance claims against neighboring industrial plant operators, citing light pollution among other injuries.	Damages.	Dismissed as time barred. Because the light pollution and other nuisance was continuous, it was a permanent nuisance. The statute of limitation started accruing when the nuisance first began so plaintiffs' claims are time barred.
Texas Dept. of Transp. v. City	146 S.W.3d 637	2004	City and its mayor brought suit against	Damages.	TxDOT did not waive its sovereign

of Sunset Valley			Texas Department of Transportation (TxDOT) regarding highway expansion, alleging a variety of claims including light pollution claims based on nuisance and equal protection arguments.		immunity, barring the nuisance claims. Plaintiffs' equal protection claim that TxDOT's installation of high-mast floodlights violated equal protection because no other similar highway in Texas uses them is unpersuasive because all residents in the city suffered the same light pollution injury.
GTE Mobilnet of South Texas Ltd. Partnership v. Pascouet	61 S.W.3d 599	2001	Homeowner brought various claims against owner of cell phone tower and the city, alleging, among other things, that the floodlights from the neighboring equipment building illuminated plaintiff's backyard all night.	Damages and injunction.	Damages were awarded because the cell tower and equipment building constituted a nuisance. Injunction was denied because light pollution and other issues were already mitigated.
Lamesa Co-op. Gin v. Peltier	342 S.W.2d 613	1961	Neighbor sued gin company, alleging that proposed construction and operation of a cotton gin would constitute a nuisance due to glaring lights interfering with plaintiff's enjoyment of their home.	Injunction against construction and operation of gin.	Granted. The finding of nuisance was supported by substantial evidence.
Weber v. Mann	42 S.W.2d 492	1931	Homeowners sued operator of beer garden, alleging, among other problems, that the stand shined too much light into his home, such that they suffered health	Permanent injunction against the defendant.	Court of Appeals reversed order by trial court allowing the defendant to have lights in their beer garden meeting certain specifications

			damage and decreased property value.		because the specifications are contradictory and didn't make sense.

Utah

Case Name	Citation	Year	Summary	Relief Sought	Resolution
McElhaney v. City of Moab	Unpublished, 2017 WL 4216543	2017	Plaintiffs brought action against city council for denying their permit to operate a bed and breakfast without doing any factfinding relating to the specific conditions for approving a CUP described by the Moab Municipal Code.	Vacateur of city council's denial.	Council erred in relying on neighbors' concerns about potential problems with the proposed project including light pollution without doing factfinding. Remanded back to council to generate explicit factfinding.

Vermont

Case Name	Citation	Year	Summary	Relief Sought	Resolution
In re Stokes Communications Corp.	164 Vt. 30	1995	Company appealed Environmental Board's decision to condition permit on the installation of light shields on a radio transmission tower, arguing that the Board exceeded its authority. Board cited concerns that the tower's lights would "diminish[] the aesthetic quality of the nighttime sky" as its reasoning.	Vacateur of the condition.	Denied. The Board's requirement of light shields did not conflict with FAA jurisdiction and it acted within the limits of its police power to ensure compliance of the project with statutory criteria.

Virginia

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Oliver v. Loudoun County Bd. of Supervisors	Unpublished, 2011 WL 11521153	2011	Plaintiffs sued the county to prevent it from building a fire and rescue station on plots of land subject to a restrictive covenant for single family, residential	Injunction against the town for using the property for non-single family	Granted. Plaintiffs have met their burden of establishing an equitable servitude.

			use, citing harm from light pollution caused by the proposed project, among other concerns.	residential purposes.	
Batten v. River Heights Assoc.	Unreported, 2002 WL 31989033	2002	Homeowners sought to enforce restrictive covenants to prevent commercial development in their subdivision, citing light pollution among other injuries that would result from the development.	Declaration that the covenants are enforceable.	Granted. Defendants have not shown that the nature of the division has changed so much that the purpose of the restrictive covenant has been destroyed.
Bowers v. Westvaco Corp.	244 Va. 139	1992	Family brought private nuisance suit companies responsible for truck staging operation for negative health impacts, citing light pollution that illuminated their bedrooms and living rooms all night among other factors.	Damages.	Granted. Plaintiffs could recover for "emotional injuries," including for negative psychological conditions and severe sleep deprivation as a result of defendant's conduct.

Washington

Case Name	Citation	Year	Summary	Relief Sought	Resolution
City of Airway Heights v. Eastern Washington Growth Management Hearings Bd.	193 Wash.App. 282	2016	City sought review of growth management hearing board's decision to invalidate ordinance potentially allowing development of multi-family housing near air force. Board had cited light pollution among other concerns as basis for its decision.	Vacateur of hearing board's decision.	Denied. Developing multi-family residences near air force base is incompatible with the base's ability to carry out its missions. Board was justified in invalidating the city ordinance.
Gabriel v. Mascarinas	Unpublished,	2001	Homeowner sought to prevent neighbor, who operates a daycare, from using an easement driveway, citing light pollution among other factors arising from the	Reversal of trial court's dismissal of their claims.	Granted. Plaintiffs have sufficiently stated a claim for private nuisance.

			daycare was a private nuisance.		
Kanna v. Benton County	Unpublished, 1999 WL 219783	1999	Property owners challenged decision by county board, denying their application for a preliminary plat for a residential development that abuts an existing orchard.	Vacateur of board's decision.	Denied. The existing orchard would result in light pollution of the proposed development, so the uses are incompatible.

Wyoming

Case Name	Citation	Year	Summary	Relief Sought	Resolution
Donaghy v. Board of Adjustment of City of Green River	55 P.3d 707	2002	Neighbor challenged city board of adjustment's permit allowing homeowner to attach fiberglass panels to patio structure. Plaintiff argued the fiberglass reflected light from defendant's security floodlights, which interfered with plaintiff's amateur astronomy.	Vacateur of building permit.	Denied. Fiberglass panels did not alter the purpose of the patio structure or increase the structure's nonconformity.
Sheridan Drive-In Theatre, Inc. v. State	384 P.2d 597	1963	Owner of drive-in theater brought inverse eminent domain lawsuit against the state, arguing that light pollution from new highway makes property no longer useable as a theater.	Damages.	Denied. Property had stopped being used as a theater prior to the opening of the highway.