

Bond Case Briefs

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AUUE, Inc. v. Borough of Jefferson Hills Zoning Hearing Board

Supreme Court of Pennsylvania - July 17, 2024 - A.3d - 2024 WL 3432626

Landowner appealed decision of the borough zoning hearing board which reversed zoning officer's grant of use permit for five parcels on which landowner sought to construct medical center.

The Court of Common Pleas affirmed, and landowner appealed. The Commonwealth Court reversed, and neighbors appealed, which the Supreme Court allowed.

The Supreme Court held that:

- Zoning officer had authority under zoning ordinances to issue use permit to landowner for medical center, and
- Zoning hearing board was required to limit its review to whether landowner's desired/intended use for the property was permitted by right in the district.

Borough zoning officer had authority under zoning ordinances to issue use permit to landowner for medical center; zoning ordinances granted the zoning officer the broad and expansive authority to issue zoning permits for any purpose, however limited, provided that such purpose conformed to the requirements of the ordinance, zoning officer issued the zoning permit for the sole and limited purpose of establishing that landowner's desired/intended use for the property was permitted by right in the district, and letter granting the zoning permit specifically stated that landowner still needed to secure land development approval.

Borough zoning hearing board, on appeal of zoning officer's grant of use permit to landowner which sought to construct medical center on its property, was required to limit its review to whether landowner's desired/intended use for the property was permitted by right in the district; given the limited purpose for which the zoning officer issued the permit, and the fact that the zoning officer was authorized to issue the permit, the question of overall compliance with the zoning ordinance was not before the board, and the board was not permitted to overturn the permit decision simply because the zoning application may have failed to comply with all relevant provisions of the zoning ordinance.