

# **Bond Case Briefs**

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## **ZONING - PENNSYLVANIA**

### **TKO Realty, LLC v. Zoning Hearing Bd. of City of Scranton**

**Commonwealth Court of Pennsylvania - October 18, 2013 - A.3d - 2013 WL 5658780**

Property owner sought review of zoning hearing board decision denying owner building permit to rehabilitate structure into three-unit dwelling.

The Commonwealth Court held that:

- Use of property as three-unit dwelling was lawful nonconforming use, and
- Use was not abandoned.

Mere absence of a certificate of nonconformance from the zoning officer does not deprive landowner of his right to continue lawful nonconforming use. Use of property as three-unit dwelling was lawful nonconforming use under zoning ordinance, even though property owner did not seek certificate of nonconformance from zoning officer and failed to register in accordance with non-zoning ordinance. Prior zoning map placed property in "A" district, which permitted apartments, assessment card showed property had been assessed as three-unit dwelling, and use as three-unit dwelling became nonconforming upon passage of ordinance zoning property "R1-A," which permitted single-family or twin semi-detached homes.