

Bond Case Briefs

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ZONING - PENNSYLVANIA

McConville v. City of Philadelphia

Commonwealth Court of Pennsylvania - November 27, 2013 - A.3d - 2013 WL 6190143

City residents brought action against city challenging legality of consent agreement between city and billboard companies and seeking declaratory and injunctive relief. The Court of Common Pleas sustained city's preliminary objections and dismissed residents' complaint. Residents appealed.

The Commonwealth Court held that:

- Resident who actively pursued billboard owner's alleged ordinance violations before Zoning Board of Adjustment (ZBA) had standing to challenge agreement, and
- Another resident who failed to pursue available administrative remedy for alleged violations lacked standing to challenge agreement.

City resident who complained to city about reconstruction of purportedly non-conforming billboard and actively pursued billboard owner's alleged ordinance violations before ZBA had standing to challenge legality of consent agreement between city and billboard companies, where billboard owner withdrew from further participation in ZBA proceedings and used consent agreement to move billboard dispute to alternative, non-public venue in which resident could not participate.

City resident who repeatedly complained to city about reconstruction of purportedly non-conforming billboard but failed to pursue available administrative remedy for billboard owner's alleged ordinance violations lacked standing to challenge legality of consent agreement between city and billboard companies. Although resident claimed that she "lost faith in the system" when city referred to consent agreement in response to resident's final complaint, it was resident's failure to pursue administrative remedy, and not consent agreement itself, that prevented resident from effectively challenging owner's reconstruction of billboard.