

Bond Case Briefs

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ZONING - PENNSYLVANIA

Tri-County Landfill, Inc. v. Pine Tp. Zoning Hearing Bd.

Commonwealth Court of Pennsylvania - January 9, 2014 - A.3d - 2014 WL 68798

Property owner sought review of decision of township zoning hearing board denying zoning approval for its proposed landfill. The Court of Common Pleas, affirmed. Property owner appealed.

The Commonwealth Court held that:

- Objectors were precluded from raising issues beyond those raised by property owner in its appeal;
- Proposed landfill unambiguously constituted a “structure” under zoning ordinance, thus rendering landfill subject to ordinance’s 40-foot height restriction;
- Application of 40-foot height restriction did not result in an unconstitutional de facto exclusion of landfill use;
- Property owner failed to establish hardship warranting dimensional variance; and
- Property owner was not entitled to variance by estoppel or laches.