

Bond Case Briefs

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Rubino v. Millcreek Tp. Bd. of Sup'rs

Commonwealth Court of Pennsylvania - January 22, 2014 - A.3d - 2014 WL 223559

Landowners sought review of township's denial of their subdivision application to divide existing residential property into two lots. The Court of Common Pleas affirmed. Landowners appealed.

The Commonwealth Court held that in applying township's subdivision and land development ordinance, it was the recorded subdivision plan that created landowners' lot that determined average lot sizes, rather than the larger residential subdivision listed in landowners' deed.

Although developer of residential subdivision numbered each subdivision plan sequentially and titled each a "section," each application proposed a separate subdivision plan that was considered on its own merits in applying the ordinance, and notations in subdivision plan filings about future streets, development or turn-arounds in the subdivision did not collapse the six subdivision plan filings into a single subdivision plan for purposes of determining average lot size.