

Bond Case Briefs

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ZONING - PENNSYLVANIA

THW Group, LLC v. Zoning Bd. of Adjustment

Commonwealth Court of Pennsylvania - March 6, 2014 - A.3d - 2014 WL 880324

Applicant sought review of order of city zoning board of adjustment (ZBA) denying applicant a zoning use permit to operate a methadone clinic in a commercial district. The Court of Common Pleas reversed. Objectors appealed.

The Commonwealth Court held that:

- Methadone clinic was a permitted use even though clinic was not specifically mentioned in city zoning code;
- Non-existence of methadone clinics at time of writing of zoning code did not preclude the proposed clinic from qualifying as a permitted use;
- Applicant's proposal did not create an additional or new principal structure on a lot in violation of zoning code;
- Trial court did not err in choosing not to rely on objectors' expert's testimony to make a legal determination as to what constituted a medical office under zoning code; and
- Trial court did not exceed its authority by using a dictionary to define term "clinic" that was not defined in zoning code.