

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING - PENNSYLVANIA

Wyomissing Area School Dist. v. Zoning Hearing Bd. of Wyomissing Borough

Commonwealth Court of Pennsylvania - November 25, 2015 - A.3d - 2015 WL 7566242

School district applied for zoning permit to erect a fence around athletic fields. Zoning hearing board denied the application. School district appealed, also filing a complaint in mandamus and a motion for peremptory judgment in mandamus, seeking to compel the grant of application. The Court of Common Pleas, Berks County, affirmed, dismissing the mandamus action. School district appealed.

The Commonwealth Court held that:

- Construction of fence around athletic fields located on school property would not amount to an expansion of property's current accessory athletic use, and thus did not require school district to request a special exception under borough ordinance;
- Construction of fence would not create a new "stadium use" and, thus, did not require school district to request a special exception under borough ordinance; and
- Evidence was insufficient to support finding that construction of fence would violate borough ordinance.