

Bond Case Briefs

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ZONING & PLANNING - PENNSYLVANIA

Liberties Lofts LLC v. Zoning Board of Adjustment

Commonwealth Court of Pennsylvania - April 2, 2018 - A.3d - 2018 WL 1569801

Objector sought review of decision of city's zoning board of adjustment, which granted use variance to applicant to permit construction of multi-family residence with one commercial space.

The Court of Common Pleas affirmed. Objector appealed.

The Commonwealth Court held that:

- Objector waived argument that applicant lacked standing to file application for use variance;
- Evidence was sufficient to support zoning board finding that applicant proved the requisite unnecessary hardship to justify grant of use variance; and
- Evidence was sufficient to support zoning board finding that requested variance would not adversely affect public safety.

Objector waived argument that applicant lacked standing to file application for use variance, where objector did not raise argument before zoning board.

Evidence was sufficient to support zoning board finding that applicant proved the requisite unnecessary hardship to justify grant of use variance to allow construction of multi-family residence in industrial and commercial area not zoned for residential use; property was currently improved with a mostly vacant, dilapidated warehouse and could only be converted to a permitted use at prohibitive expense, and area surrounding property had transitioned from industrial to residential use.

Evidence was sufficient to support zoning board finding that requested variance, to allow residential construction in industrial and commercial zone, would not adversely affect public safety, health, or general welfare and would not permanently injure the use of adjacent conforming properties; project would replace a blighted, mostly vacant building with a mixed use structure that conformed to all applicable dimensional standards, project was consistent with surrounding structures and uses, project provided more than the required number of on-site parking spaces, and project was supported by area community organization.