

Bond Case Briefs

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ZONING & PLANNING - PENNSYLVANIA

Pascal v. City of Pittsburgh Zoning Board of Adjustment

Supreme Court of Pennsylvania - September 22, 2021 - A.3d - 2021 WL 4303202

Objectors to nonprofit property owner's application for variances and special exceptions with respect to plan to maintain retail space, remodel and reopen restaurant, and build dwelling units petitioned for review of decision of zoning board of adjustment (ZBA) granting application.

The Court of Common Pleas affirmed grant of application, and objectors appealed. The Commonwealth Court affirmed. Objectors' petition for discretionary review was allowed.

The Supreme Court held that:

- Application was not deemed denied 45 days after hearing on application without decision, and
- As matter of first impression, member of ZBA that voted in favor of granting application, who held position on applicant's board of directors, was acting under conflict of interest, in violation of objectors' due process right to impartial tribunal, disapproving Borough of *Youngsville v. Zoning Hearing Bd. of Youngsville*, 69 Pa.Cmwlth. 282, 450 A.2d 1086.