

Bond Case Briefs

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ZONING & PLANNING - PENNSYLVANIA

Metal Green Inc. v. City of Philadelphia

Supreme Court of Pennsylvania - December 22, 2021 - A.3d - 2021 WL 6065497

Property owner sought review of city zoning board of adjustment's denial of variance to allow conversion of unused industrial building into apartment building.

The Court of Common Pleas reversed decision. Opponents of variance appealed. The Commonwealth Court reversed. Owner sought allowance of appeal, which was granted.

The Supreme Court held that:

- Application for use variance was subject to city zoning code's minimum-variance requirement, and
- Board was required to make specific findings of fact, engage in credibility determinations, and offer sufficient rationale as to why criteria for use variance were not satisfied.

Application for use variance for building designated as "blighted" under Abandoned and Blighted Property Conservatorship Act was subject to city zoning code's requirement that variance be the "minimum variance that will afford relief and will represent the least modification possible of the use or dimensional regulation at issue"; nothing in code or in Act suggested that blighted or abandoned nature of a property was a factor when assessing minimum variance requirement, and considerations of blight or abandonment were to be addressed under code's "unnecessary hardship" requirement.

In order to allow for effective review, a zoning board's variance decision must provide sufficient findings of fact, including credibility and weight-of-evidence determinations, conclusions based on these facts, and the reasons for granting or denying the variance.