

Bond Case Briefs

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ZONING & PLANNING - PENNSYLVANIA

East Penn Township v. Swartz

Commonwealth Court of Pennsylvania - October 20, 2023 - A.3d - 2023 WL 6933346

Township filed complaint against property owners for fines for owners' failure to cure violations of township's zoning ordinance, attorneys' fees, and costs.

Township filed motion for judgment on the pleadings, which the Court of Common Pleas granted as to underlying ordinance violations.

Following bench trial, entered judgment in favor of township. Township filed petition to hold owners in civil contempt of judgment, and owners filed motion to enforce settlement agreement. After township withdrew its petition, the trial court denied owners' motion. Owners appealed.

The Commonwealth Court held that:

- Owners did not lack standing to pursue their motion to enforce settlement agreement based on township's withdrawal of its petition to hold owners in civil contempt, but
- Evidence supported determination that township and property owners never came to meeting of the minds, as required for binding and enforceable settlement agreement.

Property owners did not lack standing to pursue their motion to enforce a settlement agreement allegedly entered with township on the basis that township withdrew its petition to hold owners in civil contempt of judgment finding owners violated township's zoning ordinance, in proceeding on township's complaint seeking fines, attorney fees, and costs for owners' violations; trial court's order imposing the judgment expressly retained jurisdiction over the matter "to ensure that the foregoing directives are strictly complied with by the [owners] and to hear any and all claims for contempt thereof," and no discontinuance was ever filed to extinguish the underlying zoning matter even though the judgment had been final for over a year.

Evidence supported trial court's determination that township and property owners never came to a meeting of the minds, as required to form a binding and enforceable settlement agreement, in proceeding on township's complaint seeking fines, attorney fees, and costs for owners' violations of township's zoning ordinance; resolution adopted by township's board of supervisors regarding the proposed settlement referenced the trial court's verdict stating that owners were to cease, desist, and cure the ordinance violations within 30 days of the verdict, but owners stated that they considered the inclusion of the verdict in the draft agreement as inessential, suggesting the parties never perceived the relationship between the violations and the potential settlement in the same way.