



FEB 11 2011

Senate of Pennsylvania

**MEMORANDUM**

TO: ALL SENATORS

FROM: SENATOR CHARLES T. McILHINNEY, JR. *Charles T. McIlhinney, Jr.*

DATE: February 11, 2011

RE: **Co-Sponsorship Memo #7- Zoning Hearing Board Appeals**

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In the near future, I plan to reintroduce legislation amending the Municipalities Planning Code to deny standing to zoning hearing boards to be a party in appeals from their decisions. The issue of whether the Zoning Hearing Board has standing to be a party in appeals from their decisions to Court has been raised and decided by Commonwealth Court.

The decision essentially prevents a Borough or Township from settling a case with an applicant that has appealed an adverse decision of the Zoning Hearing Board to the Court of Common Pleas without the participation and consent of the Zoning Hearing Board. For instance, if a Township or Borough was able to negotiate a settlement with a property owner who appealed from the decision of the Zoning Hearing Board and the terms and conditions of the settlement were satisfactory to the Township or Borough as well as to the Judge of the Court of Common Pleas, the Zoning Hearing Board could prevent the settlement if it did not agree.

I invite you to join with me in sponsoring this legislation and ask that you call my office at 7-7305 or e-mail Monica Riddle at [mriddle@pasen.gov](mailto:mriddle@pasen.gov).

CTM:gr