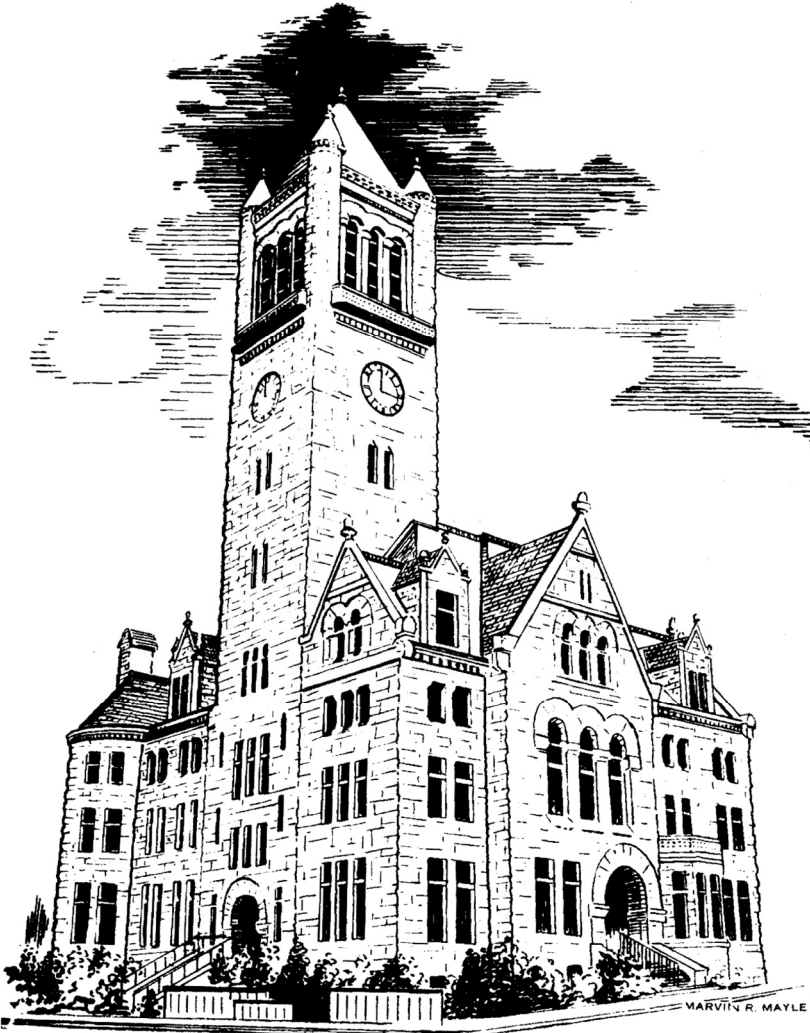


# FAYETTE LEGAL JOURNAL

VOL. 86

AUGUST 19, 2023

NO. 33



## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

## FAYETTE COUNTY BAR ASSOCIATION Board of Directors

**President:** John A. Kopas, III  
**President Elect:** Gretchen A. Mundorff  
**Vice-President:** Sheryl R. Heid  
**Secretary:** Anne N. John  
**Treasurer:** Louise D. Monaghan  
**Past President:** Mark D. Brooks  
**Executive Director:** Garnet L. Gordon

**Directors**  
 Jennifer M. Casini  
 Rachel A. Clark  
 Sarah E. Connelly  
 Jeremy J. Davis  
 James E. Higinbotham, Jr.  
 Margaret Zylka House

### ETHICS HOTLINE

The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

Call (800) 932-0311, ext. 2214.

### LAWYERS CONCERNED FOR LAWYERS

Our assistance is confidential,  
non-judgmental, safe, and effective

To talk to a lawyer today, call:  
 1-888-999-1941  
 717-541-4360

## ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

### Third Publication

**EDDIE BURNWORTH, a/k/a EDDIE A. BURNWORTH**, late of Georges Township, Fayette County, PA (3)

*Executor:* Eddie A. Burnworth, Jr.  
c/o Kopas Law Office  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

**CHARLOTTE L. FRANCY**, late of Dunbar Township, Fayette County, PA (3)

*Personal Representative:* Michael Murphy  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**SHEILA GILLIGAN HERRING, a/k/a SHEILA G. HERRING**, late of Farmington, Fayette County, PA (3)

*Executor:* Stephen A. Herring a/k/a Steven A. Herring  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**LAURA M. MORGAN**, late of Uniontown, Fayette County, PA (3)

*Executrix:* Diane Morgan Hilton a/k/a Diane Laura Morgan-Hurst  
c/o Monaghan & Monaghan, L.L.P.  
57 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary D. Monaghan

**MARY STEINMAN, a/k/a MARY A. STEINMAN**, late of Masontown, Fayette County, PA (3)

*Co-Executrix:* Kristen Dunham and Kim Kostura  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Sean M. Lementowski

**TAMMIE LYNN STONER**, late of Connellsville, Fayette County, PA (3)

*Executor:* Walter Weltz, Jr.  
1118 Liberty Street  
Scottdale, PA 15683  
c/o 231 South Main Street  
Greensburg, PA 15601  
*Attorney:* Marilyn M. Gaut

### Second Publication

**DONALD LEE COUGHENOUR, a/k/a DONALD L. COUGHENOUR**, late of South Union Township, Fayette County, PA (2)

*Executrix:* Karen Dawn Colbert  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**NAOMI B. GREGO**, late of North Union Township, Fayette County, PA (2)

*Executrix:* Cindy R. Hornbeck  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Robert L. Webster, Jr.

**GILDA M. HOLBERT, a/k/a GILDA MILDRED HOLBERT**, late of Uniontown, Fayette County, PA (2)

*Administrator:* Keith A. Holbert, CTA and Kebin E. Holbert, CTA  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* Robert R. Harper, Jr.

**JOHN HOSPODAVIS, JR.**, late of Masontown Borough, Fayette County, PA (2)

*Executor:* John R. Hospodavis  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

---

**TAMMY JENKINS, a/k/a TAMMY LYNN JENKINS**, late of Georges Township, Fayette County, PA (2)

*Executor:* John Thomas Jenkins  
c/o Kopas Law Office  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

---

**JOANNE M. KOZEL**, late of Uniontown, Fayette County, PA (2)

*Executrix:* Rosemarie Jarzynka  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* Robert R. Harper, Jr.

---

**LINDA L. LINDSAY**, late of Connellsville, Fayette County, PA (2)

*Personal Representative:* Kelly R. Vorrasi and Heather L. O'Neil  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Robert A. Gordon

---

**GARY E. LOWE, JR.**, late of George Township, Fayette County, PA (2)

*Administratrix:* Barbara Lowe  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin Goodwin

---

**DALE ALISTER LOWERY, a/k/a DALE A. LOWERY**, late of Nicholson Township, Fayette County, PA (2)

*Executor:* Donald D. Lowery  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

---

**RICHARD ROMESBURG**, late of North Union Township, Fayette County, PA (2)

*Administratrix:* Megan Clark  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin Goodwin

---

## First Publication

**ELEANOR LEE BAILEY, a/k/a ELEANOR L. BAILEY**, late of Connellsville, Fayette County, PA (1)

*Executor:* Gregory E. Bailey  
1435 Spyglass Hill  
Greensburg, PA 15601  
c/o Fike, Cascio & Boose  
Scull Building  
124 North Center Avenue  
P.O. Box 431  
Somerset, PA 15501-0431  
*Attorney:* Lois W. Caton

---

**FRANK JOHN BOBECK, JR., a/k/a FRANK J. BOBECK, JR., a/k/a FRANK J. BOBECK**, late of Luzerne Township, Fayette County, PA

*Executor:* Scott E. Bobeck (1)  
32 Meadows Creek Lane  
Senoia, GA 30276  
c/o 55 South Main Street, 2nd. Floor  
Washington, PA 15301

---

**MARY BOYZA, a/k/a MARY R. BOYZA**, late of Luzerne Township, Fayette County, PA

*Executrix:* Beth A. Lindey (1)  
175 Arensburg Road  
East Millsboro, PA 15433  
c/o Law Office of Lisa J. Buday  
P.O. Box 488  
California, PA 15419  
*Attorney:* Lisa Buday

---

**JOAN DILLOW, a/k/a JOAN E. DILLOW**, late of Masontown, Fayette County, PA (1)

*Executrix:* Jennifer E. Westbrook  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

---

**CLARE J. VALIGORE, a/k/a CLARE VALIGORE, a/k/a CLARA J. VALIGORE**, late of North Union Township, Fayette County, PA (1)

*Executrix:* Kimberly A. Valigore  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Anne N. John

---

## LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 857 of 2023, G.D.

WILLIAM MCFADDEN, III  
Plaintiff,

vs.

RAYMOND MCFADDEN, his heirs and assigns, RICHARD RAY MCFADDEN, his heirs and assigns, DOROTHY MCFADDEN, her heirs and assigns, TIM MCFADDEN, SUSAN MCFADDEN PLECHA and WALLY PLECHA, her husband TOM MCFADDEN and SANDY MCFADDEN, his wife TERRY MCFADDEN and MARIA MCFADDEN, his wife, WILLIAM W MCFADDEN, SR., his heirs and assigns, PEARL MCFADDEN, her heirs and assigns, RUSSELL H. MCFADDEN, his heirs and assigns LINDA MCFADDEN, her heirs and assigns JANE MCFADDEN LE HART, her heirs and assigns ROGER LENHART, his heirs and assigns, RITA MCFADDEN WOLFE, WILLIAM W MCFADDEN JR., KATHRYN MCFADDEN HARTMAN, her heirs and assigns, CHARLES E. HARTMAN, his heirs and assigns, LULIBELL HARTMAN DICE, her heirs and assigns, ARTHUR E. HARTMAN, his heirs and assigns, GEORGE HARTMAN, his heirs and assigns, FRED A HARTMAN WILLIAMS, her heirs and assigns, CHARLES E. HARTMAN, VIRGINIA E. HARTMAN, ROBERT E. DICE, LINDA DICE, CHARLES DICE, MARILYN JOAN MARTIN, CAROLYN WILLIAMS ROCCA, HAROLD WILLIAMS, APRIL WILLIAMS BOSKOVITCH, KATHY ZAVAGE, JOHN WILLIAMS, his heirs and assigns, MICHELLE RENEE LOVE WILLIAMS, ELIZA MCFADDEN DENNIS, her heirs and assigns, GILBERT DENNIS, his heirs and assigns, ROBERT DENNIS, his heirs and assigns, DON DENNIS, his heirs and assigns, JOSEPH DENNIS, his heirs and assigns, NINFA DENNIS, her heirs and assigns, ROBERT E. DENNIS, JR., DEBORAH SHEPLAVY, JOYCE HARDIN DENNIS, DELORES J. DENNIS SEIDEL, SHARON DENNIS BELLISSIMO, SHIRLEY DENNIS BEATY, WILMA DENNIS PHILLIPS, and VICKI DENNIS,  
Defendants.

TO: Raymond McFadden, Richard Ray

McFadden, William W. McFadden, Sr., Pearl McFadden, Kathryn McFadden Hartman, Lulibell Hartman Dice, Freda Hartman Williams, Charles E. Hartman, Arthur Hartman, Dorothy McFadden, Eliza McFadden, Russell McFadden, Jane McFadden Lenhart, John Williams, Gilbert Dennis, Robert Dennis, Ninfa Dennis, Don Dennis, Joseph Dennis, Susan McFadden Plecha, Wally Plecha, Tom McFadden, Sandy McFadden, Maria McFadden, Charles Dice, Linda Dice, and Delores J. Dennis Seidel, their heirs and assigns, generally:

You are hereby notified that William McFadden, III has filed a complaint at the above number and term in the above mentioned court in an action to quiet title where it is alleged that William McFadden, III is the owner in fee and in possession of all rights, title and interest in and to in that certain tract of land situate in Springhill Township, Fayette County Pennsylvania, containing an area of 0.5219 fully described in deed dated March 3, 1947 in Deed Book Volume 633 Page 350 in the Office of the Recorder of Deeds, Fayette County, Pennsylvania Deed, further identified as Tax Map Number 36-19-0001.

Said complaint sets forth that the plaintiff, William McFadden, III, is the owner in fee simple of the above- described premises. The complaint was filed for the purpose of barring all of your right, title and interest, or claim in and to said premises.

### NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiffs. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

PENNSYLVANIA LAWYER REFERRAL

SERVICE PENNSYLVANIA BAR  
ASSOCIATION  
100 South Street  
P. O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

By G.T. George, Esquire  
George & George  
92 East Main Street  
Uniontown, PA 15401  
724-438-2544

IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA  
Bankruptcy Case No. 20-20072 GLT  
Chapter 13

IN RE: John E. Pegg,  
Debtor.

Property to be sold: 47 Emerson Street,  
Uniontown, PA 15401. Single family residence -  
2 bedroom, 1 bath, with 1 car detached garage  
on a .22 acre lot, Property ID No. 38-17-0028.

Initial Offer: \$135,000.00/\$1,000

Deposit

Terms of Sale: Mortgage Financing  
Contingency, "AS IS, WHERE IS," \$1,000 in  
cash or certified funds at time of sale, the  
balance within thirty days. The Court will  
entertain higher and better offers at the hearing.  
Contact: Daniel R. White, Esquire, P.O. Box  
2123, Uniontown PA 15401, 724-439-9200,  
dwhite@zeblaw.com

An in-person hearing will be held on  
September 6, 2023 at 9:00 a.m. before Judge  
Gregory L. Taddonio in Courtroom A, 54th  
Floor U.S. Steel Tower, 600 Grant Street,  
Pittsburgh, PA, 15219. In accordance with Judge  
Taddonio's procedures, parties may appear for  
non-evidentiary matters remotely by utilizing the  
Zoom video conference platform. Parties  
seeking to appear remotely must register for the  
hearing by submitting a registration form via the  
link published on Judge Taddonio's website  
which can be found at: [http://  
www.pawb.uscourts.gov/judge-taddonios-video-  
conference-hearing-information](http://www.pawb.uscourts.gov/judge-taddonios-video-conference-hearing-information) by no later than  
4 p.m. on the business day prior to the scheduled  
hearing.

IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA  
Bankruptcy Case No. 20-20863 GLT  
Chapter 13

IN RE: Timothy J. Klink and  
Kimberly R. Klink,  
Debtors.

Property to be sold: 177 Turkeyfoot Road,  
Lemont Furnace PA. Single family residence - 2  
stories on a 1.5 acre lot, Property ID No. 25-27-  
0260.

Initial Offer: \$86,000.00/\$500 Deposit

Terms of Sale: Mortgage Financing  
Contingency, "AS IS, WHERE IS," \$500.00 in  
cash or certified funds at time of sale, the  
balance within thirty days. The Court will  
entertain higher and better offers at the hearing.

Contact: Daniel R. White, Esquire, P.O.  
Box 2123, Uniontown, PA 15401, 724-439-  
9200, dwhite@zeblaw.com

An in-person hearing will be held on  
September 6, 2023 at 9:00 a.m. before Judge  
Gregory L. Taddonio in Courtroom A, 54th  
Floor U.S. Steel Tower, 600 Grant Street,  
Pittsburgh, PA, 15219. In accordance with Judge  
Taddonio's procedures, parties may appear for  
non-evidentiary matters remotely by utilizing the  
Zoom video conference platform. Parties  
seeking to appear remotely must register for the  
hearing by submitting a registration form via the  
link published on Judge Taddonio's website  
which can be found at [http://  
www.pawb.uscourts.gov/judge-taddonios-video-  
conference-hearing-information](http://www.pawb.uscourts.gov/judge-taddonios-video-conference-hearing-information) by no later than  
4 p.m. on the business day prior to the scheduled  
hearing.

— ◆ —

**DiBella Weinheimer**  
Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

INSIST UPON OUR EXPERIENCED TEAM

**LAWYERS DEFENDING LAWYERS**

- Disciplinary Board
- Legal Malpractice
- Security Fund / IOLTA
- Ethics & Conflict Analysis
- Subpoena Assistance
- Licensure
- Conflict Resolution

[WWW.DIBELLA-WEINHEIMER.COM](http://WWW.DIBELLA-WEINHEIMER.COM) 412 261-2900

## MEMORIAL SERVICE

The Fayette County Bar Association will hold a memorial service before the Court for Wayne H. Port, Esquire and George L. Hallal, Esquire at the Fayette County Courthouse in Courtroom No. 1 on Wednesday, August 23, 2023, at noon.

# WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE   E&O INSURED   WILL TRAVEL   ACCEPTING NEW CLIENTS



WE ARE PROUD TO ANNOUNCE OUR  
RECOGNITION BY FORBES AS A  
2023 BEST-IN-STATE WEALTH  
MANAGEMENT TEAM

The Highest Standard of Success in Financial Relationships

Fayette Legacy Partners of Janney Montgomery Scott

43 S Beeson Boulevard, Uniontown, PA 15401

724.425.1018 | www.fayettelegacy-janney.com



© JANNEY MONTGOMERY SCOTT LLC • MEMBER: NYSE, FINRA, SIPC • REF. 884050-1222



**JUDICIAL OPINION**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION

PAUL PERRY,	:	
Appellant,	:	
v.	:	
SOUTH UNION TOWNSHIP ZONING	:	
HEARING BOARD,	:	
Appellee	:	
v.	:	
JFEB, LLC AND SOUTH UNION TOWNSHIP,	:	
Intervenors.	:	No. 111 of 2023 G.D.
BERNADETTE TUMMONS,	:	
Appellant,	:	
v.	:	
SOUTH UNION TOWNSHIP ZONING	:	
HEARING BOARD,	:	
Appellee,	:	
v.	:	
JFEB, LLC and SOUTH UNION TOWNSHIP,	:	No. 169 of 2023 G.D.
Intervenors	:	Honorable Joseph M. George, Jr.

ATTORNEYS AND LAW FIRMS  
 John M. Purcell, Esquire, For Paul Perry, Appellant  
 Philip A. Fabiano, Esquire, For Bernadette Tummons, Appellant  
 Robert A. Gordon, Esquire, For South Union Township Zoning Hearing Board, Appellee  
 Ernest DeHaas, Esquire, For JFEB, LLC, Intervenor  
 James T. Davis, Esquire, For South Union Township, Intervenor

OPINION AND ORDER

GEORGE, J.	May 19th, 2023
------------	----------------

This matter comes before the Court on an appeal of the South Union Township Zoning Hearing Board's approval of JFEB, LLC's application under the Special Parking Provision Section 417.3(b) of South Union Township Zoning Ordinance to use a portion of property as offsite parking for the Restaurant. JFEB, LLC owns Mom Maruca's bar and restaurant located at 64 Barton Mill Road, Uniontown Pennsylvania 15401. JFEB entered into an agreement of sale to purchase five (5) vacant lots which adjoin the Restaurant property on the western boundary. The agreement of sale is contingent upon JFEB receiving approval from the board to use the property as a parking lot. On December 29, 2022, the Zoning Hearing Board approved the application to use the property as parking pursuant to Subsection 417.3(b) of the South Union Township Zoning Ordinance. This appeal followed.

### Factual Background

JFEB is an LLC that owns and operates the Restaurant located on the 3 lots in the Mountain View Plan which is in South Union Township. The property has been operating as a lawful nonconforming use since before the adoption of the 1974 South Union Township zoning ordinance. JFEB entered into an agreement of sale with Berkeley Medical Resources, Inc to purchase five contiguous lots which adjoin the JFEB property on the western side. A hearing was conducted on the application by JFEB to use the Berkeley property for additional parking as permitted by Subsection 417.3 which states: Special Parking Provisions: "(b) Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board."

The Zoning Hearing Board granted the application on December 29, 2022. The Appellant's are residential property owners in the R-1 zone in which the JFEB and Berkeley properties are located. The Appellants appeared at the hearing on the application and objected to the application. The Zoning Hearing Board record is complete, the parties have fully briefed the issues and only legal questions remain.

### Standard of Review

A court reviewing the decision of a Zoning Hearing Board is bound by a narrow standard of review. It is well settled law in Pennsylvania that when a trial court takes no additional evidence, as is the case here, the standard of review is limited to determining whether the board "committed an abuse of discretion or an error of law." *Lombardo v. Millcreek Township Zoning Hearing Board*, 829 A.2d 779, 781 (Pa. Commw. Ct. 2003). An abuse of discretion can be established if the Zoning Hearing Board's factual findings are not supported by substantial evidence. "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Smith v. Zoning Bd. Of Huntington*, 734 A.2d 55 (Pa. Commw. Ct. 1999). "It is well-settled that a Zoning Hearing Board's interpretation of its own zoning ordinance is entitled to great weight and deference from a reviewing court." *Smith v. Zoning Bd. Of Huntington*, 734 A.2d 55 (Pa. Commw. Ct. 1999).

### Discussion

The issue is whether the Zoning Hearing Board manifestly abused its discretion and committed an error of law when it approved the application by JFEB to use the Berkeley Medical property lots as parking for the restaurant.

The Appellant's argue that should JFEB be allowed to use the lots for parking it would be an illegal expansion of a nonconforming use across newly acquired property. The Appellants reference *Smith v. Zoning Hearing Board of the Borough of Bellevue*, 619 A.2d 399 (Pa. Cmwlth. 1992) which held that: (1) a hospital could not extend its valid nonconforming use by constructing parking lots on property acquired after passage of zoning ordinance which rendered the hospital a nonconforming use, and (2) the hospital was not entitled to variance to use after-acquired property for parking lots. In that case the Court explained that the expansion of the hospital onto adjoining lots for parking would be an extension of its nonconforming use, quoting "While a nonconforming use may be extended in scope as the business increases in magnitude it may not be so extended over ground not occupied at the time of the passage of the zoning ordinance." Citing *Humphreys v. Stuart Realty Corp.*, 364 Pa. 73 A.2d 407, 409 (1950).

However, in both cases the properties in question were attempting to expand their non-conforming use. Furthermore, a critical distinction between Smith and the within matter is that in Smith, the Court notes that in the applicable zoning ordinance "parking is not specifically listed as a separate permitted use." This is not the case within the South Union Township Zoning Ordinance.

The instant case JFEB argues that the property being purchased will not be an expansion of a nonconforming use, but a valid use of offsite parking under subsection 417.3 Special Parking Provisions: "(b) Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board." JFEB properly applied to the Zoning Hearing Board to use the property as parking and submitted an extensive plan regarding the design of the parking lot. There are no buildings on the property currently, and JFEB will not be constructing any on the property. The lots which JFEB applied to use for parking are zoned R-1 residential. The zoning ordinance subsection does not limit the zones in which off-site parking can be located.

We find Appeal of Rolling Green Golf Club, 374 Pa. 450 (1953) controlling, wherein the golf club applied for a special exception to build an auxiliary driveway on the property. The Court in Rolling Green determined that it was not an extension of a nonconforming use, but a valid use of property under the special exception in the zoning ordinance of that township. Here, it appears that the use of the adjoining lots to be acquired by JFEB for parking would be a valid use of their property under the special parking provisions section of the South Union Township zoning ordinance.

The South Union Township Zoning Hearing Board has made a clear interpretation of their zoning ordinance and as such that decision must be given great deference. The Zoning Hearing Board's decision is supported by the zoning ordinance. The lots will be used only as a parking lot, and no structures will be constructed on them.

Accordingly, we find the South Union Township Zoning Hearing Board's decision was supported by substantial evidence and there was no abuse of discretion or error of law.

Wherefore we will enter the following order:

#### ORDER

AND NOW, this 19th day of May, 2023, for the reasons set forth in the preceding opinion, it is hereby ORDERED AND DECREED that the appeal contesting the validity of the South Union Township Zoning Hearing Board's approval of JFEB, LLC application under the special parking provision of the zoning ordinance is hereby DISMISSED and the decision of the Zoning Hearing Board approving the application for parking under the special parking provision of the South Union Township Zoning Ordinance Section 417.3(b) is REINSTATED.

BY THE COURT:  
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:  
Prothonotary

*Quality... Experience... Results...  
It's what your clients deserve.*

***Medical Malpractice • Auto Accidents • Personal Injury***



# GISMONDI

& ASSOCIATES

412-281-2200

[www.gislaw.com](http://www.gislaw.com)

700 Grant Bldg., 310 Grant St., Pgh., PA 15219