IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Harold E. Deardorff, Jr.,	:	
	:	
Appellant	:	
	:	
v.	:	No. 1472 C.D. 2007
	:	
Fairview Township Zoning Hearing Board	:	Argued: April 8, 2008
	:	

BEFORE: HONORABLE ROCHELLE S. FRIEDMAN, Judge
HONORABLE RENÉE COHN JUBELIRER, Judge
HONORABLE JAMES R. KELLEY, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE COHN JUBELIRER **FILED: May 12, 2008**

Harold E. Deardorff, Jr. (Deardorff) appeals an order of the Court of Common Pleas of York County (trial court), sustaining the Decision of the Fairview Township Zoning Hearing Board (ZHB), which: (1) upheld a citation by the Codes Administration Enforcement Office for Deardorff's violation of the Township of Fairview Zoning Ordinance No. 98-13 (Ordinance) by having two dwellings on the same lot; and (2) alternatively, denying Deardorff a variance to permit the second dwelling on his property. On appeal, Deardorff contends that he

is entitled to a variance by estoppel because the Township[1] knew since 2001 that he had two dwellings on his property, but failed to enforce the Ordinance. Deardorff argues that there is no evidence he engaged in any improper conduct and that he relied on the Township's inaction to his detriment. Additionally, Deardorff contends that his second dwelling, a mobile home, is a legal non-conforming use and, alternatively, that the mobile home is permitted as of right because it is a single-family, detached dwelling.

The Codes Administration Enforcement Office cited Deardorff for being in violation of the Ordinance for having two residential structures on a single parcel in the Residential-Rural District without a variance or other permit.[2] Deardorff appealed the Notice of Violation and, alternatively, requested a variance to permit

[1] We note that the term "Township" is used throughout the opinion as a general term to refer to any official or agency of the Township of Fairview.

[2] The Notice of Violation specifically cited the following Sections of the Ordinance as being violated:

> 91-2, Chapter 27, Section 402.1, Permitted Uses for the Residential-Rural District;
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> 1. Single – family detached dwellings
>
> 91-2, Chapter 27, Section 2002, Definitions, General Terms:
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> Use, Principal, "the main or primary purpose or purposes for which land, a structure, building or sign, or use therefore, is designed, arranged or intended, or for which they may be occupied or maintained under this Chapter. All other structures, buildings signs or uses on the same lot and incidental or supplementary thereto and permitted under this Chapter shall be considered accessory uses. There shall be no more than one (1) principal use per lot.

(Notice of Violation, February 17, 2006.)

the second dwelling on the property. The ZHB held hearings after which it made the following factual findings.

Deardorff is the owner of a tract of land at 981 Pinetown Road, Lewisberry, PA 17339, which contains approximately 2 acres (Property). Deardorff purchased the Property in 1993 through an Installment Agreement of Sale, and subsequently gained legal title to the Property by Deed in August 1996. At the time he purchased the Property, it was unimproved except for a septic system and was zoned Residential-Agricultural by the Fairview Township Zoning Ordinance 83-5. Ordinance 83-5 permitted various uses in the Residential-Agricultural Zone, including single-family, detached dwellings. In 1998, the Township Supervisors enacted the Ordinance that changed the zoning of the Property to Residential-Rural. Single-family residential dwellings are also permitted under the Ordinance.

Soon after purchasing the Property in February 1995, Deardorff applied for a building permit to place a mobile home and a garage, measuring 24' x 40', toward the front of the Property. The Township issued the permit and Deardorff completed the improvements. The Township issued a certificate of occupancy following the completion of the mobile home and storage garage. The mobile home has since been improved with an attached porch and deck structure. Deardorff and his family never lived in the mobile home. Since its construction, Deardorff has rented the mobile home to two different tenants.

In May 1995, Deardorff applied for a building permit to construct a storage garage (second garage), measuring 36' x 40', on the Property. The Township

issued a permit and the second garage was constructed. Deardorff continued to make improvements to the second garage and ultimately constructed a residential dwelling unit as part of the second garage. This dwelling, which is Deardorff's personal residence (residence), has 2,800 sq. feet of living area and also includes an attached, enclosed garage.[3] The residence is located toward the rear of the Property. Deardorff explained that he did much of the construction of his residence himself and, while the construction was under way, he and his family lived in an RV, which was parked on his Property. The residence was completed in January 1997, and Deardorff and his family have resided there since that time.

At the hearing before the ZHB, only two building permits were submitted into evidence: (1) a permit for the mobile home and garage; and (2) a permit for the second garage. Deardorff testified that he had obtained a building permit for his residence, but neither he nor the Township submitted a record of the application for or issuance of any such permit. In support of Deardorff's contention that he was given a permit to construct his residence, Deardorff submitted the testimony of a subcontractor, Barry Kindt, who is Deardorff's neighbor and employer. Mr. Kindt testified that his company installed the electrical and heating units while the construction was underway, and that there was a building permit placard displayed at the site. However, Mr. Kindt did not inspect the placard personally and could not verify whether it was the permit placard issued for construction of the second garage or whether it reflected a permit for the residential dwelling. Furthermore, Deardorff could not provide the

[3] This garage would constitute the third garage on the Property.

ZHB with proof of any permits related to the configuration of the onsite septic system on the Property to service two residential dwellings.

Deardorff testified that he also applied for subdivision approval in 2001 whereby he would have added to his Property an adjoining parcel of land and subdivided the combined Property so that the residence would have been on one parcel with its own deed, and the mobile home on the other parcel with its own deed. During the subdivision process, the Township Engineer inquired in a memorandum dated September 24, 2001: "What is the use of the existing [second] garage? Is there an apartment located in the garage? Issue: one principal use permitted + one septic system." (Memorandum to Township Planning Commission from Township Engineer (September 24, 2001) Record Tab K, Exhibit A-10.1.) There is no evidence that this query was ever answered or resolved in any way. Subsequently, the Township Supervisors denied Deardorff's subdivision application because one of the proposed tracts would lack access to a public road. Consequently, the Property remains a single parcel with multiple residences.

Section 2002 of the Ordinance authorizes only one principal use for each parcel. The ZHB found that, if a building permit application had been requested for the residence on the Property, the Ordinance would require a zoning variance in order to build that structure. Similarly, a variance would be required to permit an authorization to connect two separate residences to a single onsite septic field.

The ZHB concluded that Deardorff did not meet his burden of demonstrating that the citation by the Codes Administrative Enforcement Office was erroneous and, thus, denied the appeal. The ZHB reasoned that Deardorff did not put forth evidence of a building permit for the residence, and "[t]he fact that disclosure of the residential use . . . would have triggered the need for a variance strongly suggests that no permit was ever requested or received." (ZHB Decision at 4.) The ZHB also concluded that Deardorff "did not demonstrate that he is entitled to a use variance at the [P]roperty under either ordinary use variance criteria or under the doctrine of vested rights." (ZHB Decision, Conclusions ¶ 2.) The ZHB reasoned that Deardorff is not entitled to a variance under the equitable remedy of vested rights because he did not demonstrate that he exercised due diligence and good faith in attempting to comply with the law and regulations in his construction activities.

Deardorff then appealed to the trial court, which sustained the decision of the ZHB. Rather than reviewing the facts under the doctrine of vested rights, as had the ZHB (since there was no permit issued), the trial court, instead, evaluated whether Deardorff was entitled to a variance by estoppel. The trial court concluded Deardorff was not entitled to such relief. Additionally, the trial court found that the mobile home is not a legal nonconforming use as a "tenant house and dwelling for migrant workers" under Section 401 of Ordinance 83-5 of 1983. Furthermore, the trial court rejected Deardorff's argument that because both the mobile home and his residence are used as a single-family detached dwelling, there

was no violation of the Ordinance since only one principal use for the lot is being used. This appeal ensued.[4]

On appeal, Deardorff argues that: (1) he is entitled to a variance by estoppel; (2) his mobile home is legally nonconforming, and, alternatively, (3) his mobile home is permitted as of right.

1. Variance by Estoppel

In order to demonstrate a variance by estoppel,[5] Deardorff must show all of the following:

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[4] Where, as here, the trial court took no additional evidence, our review on appeal is limited to determining whether the ZHB's factual findings are supported by substantial evidence, whether the ZHB committed an error of law, or whether the ZHB abused its discretion. Skarvelis v. Zoning Hearing Board of Borough of Dormont, 679 A.2d 278, 279 n.1 (Pa. Cmwlth. 1996).

[5] In In re Kreider, 808 A.2d 340 (Pa. Cmwlth. 2002), this Court stated:

> A variance by estoppel is one of three labels assigned in Pennsylvania land use/zoning law to the equitable remedy precluding municipal enforcement of a land use regulation. Our courts have generally labeled the theory under which a municipality is estopped: (1) a "vested right" where the municipality has taken some affirmative action such as the issuance of a permit; [(2)] a "variance by estoppel" where there has been municipal inaction amounting to active acquiescence in an illegal use; or [(3) an] "equitable estoppel" where the municipality intentionally or negligently misrepresented its position with reason to know that the landowner would rely upon the misrepresentation. Estoppel under these theories is an unusual remedy granted only in extraordinary circumstances and the landowner bears the burden of proving his entitlement to relief. Except for the characterization of the municipal act that induces reliance, all three theories share common elements of good faith action on the part of the landowner: 1) that he relies to his detriment, such as making substantial expenditures, 2) based upon an innocent belief that the use is permitted, and 3)

(Continued…)

> (1) a long period of municipal failure to enforce the law, when the municipality knew or should have known of the violation, in conjunction with some form of active acquiescence in the illegal use; (2) the landowner acted in good faith and relied innocently upon the validity of the use throughout the proceeding; (3) the landowner has made substantial expenditures in reliance upon his belief that his use was permitted; and (4) denial of the variance would impose an unnecessary hardship on the applicant.

Borough of Dormont v. Zoning Hearing Board of the Borough of Dormont, 850 A.2d 826, 828 (Pa. Cmwlth. 2004); see also Skarvelis v. Zoning Hearing Board of Borough of Dormont, 679 A.2d 278, 281 (Pa. Cmwlth. 1996). The determination of whether there is a variance by estoppel is a legal question fully reviewable by this Court. See Center City Residents' Association v. Zoning Board of Adjustment of City of Philadelphia, 601 A.2d 1328, 1331 (Pa. Cmwlth. 1992) (stating that even though the ZHB did not analyze the landowner's application for a variance under a vested rights theory, a remand was not necessary because the trial court believed that its conclusion that the landowner's reliance on a certificate "was not reasonable would foreclose the ZHB from finding that he acted in good faith, a necessary prerequisite to the grant of a variance on a vested rights theory").

As to the first prong, in order to establish knowledge on the part of the township, a party must show that the municipality actively acquiesced in the illegal use of the property. However, "[m]unicipal failure to take action coupled with some knowledge by municipal officials has . . . been held insufficient to grant a

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> that enforcement of the ordinance would result in hardship, ordinarily that the value of the expenditures would be lost.
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> Id. at 343 (citations omitted).

variance by estoppel." Lockwood v. Zoning Hearing Board of Millcreek Township, 540 A.2d 336, 339 (Pa. Cmwlth. 1988). Additionally, the first prong requires the municipality's acquiescence to be in conjunction with a long period of municipal failure to enforce the law. Appeal of Crawford, 531 A.2d 865, 867 (Pa. Cmwlth. 1987); see also Sheedy v. Zoning Board of Adjustment, 409 Pa. 655, 187 A.2d 907 (1963) (variance by estoppel based upon 23 years of municipal inaction combined with evidence that Board of Adjustment knew for 13 years of illegal use); Caporali v. Ward, 493 A.2d 791 (Pa. Cmwlth. 1985) (non-conforming use by estoppel granted after only two years of inaction, but municipality planning commission had specifically given landowner permission to use property in the illegal manner); Township of Haverford v. Spica, 328 A.2d 878 (Pa. Cmwlth. 1974) (thirty-six years of municipal inaction plus issuance of building permit held sufficient to create a vested right in the illegal use of the property).

Deardorff argues that he is entitled to a variance by estoppel. Although he does not argue the theory of vested rights as he did before the ZHB, he contends that this Court should follow Mirkovic v. Zoning Hearing Board of Smithfield Township, 613 A.2d 662 (Pa. Cmwlth. 1992), which was a vested rights case, and not require him to establish all four prongs of the variance by estoppel test. With regard to the first prong of the variance by estoppel test, Deardorff contends that the Township knew of the illegal use since 2001 when the Township Engineer raised the question as to whether there was an apartment above the second garage. Deardorff argues that the ZHB's decision contains no findings of fact as to the Township's awareness of this illegal use even though Mr. Waller, the Township's Zoning Officer, testified that this question was indeed raised back in 2001 during

the subdivision process. (ZHB Hr'g Tr. at 160-61.) Deardorff also testified that a former Township employee, Terry Kemberling, who did not testify, inspected the residence and that it is clear from the outside that the residence did not look like a garage. Deardorff argues that, even if the Township was unaware of the illegal use in 2001, it certainly knew in January 2005, yet waited until February 17, 2006 to take action. In addition to the length of time that the Township knew of the illegal use, Deardorff contends that the Township's conduct reflects active acquiescence by: (1) denying the subdivision plan in 2002, which resulted in the loss of the opportunity to acquire the property necessary to cure the violation;[6] and (2) deciding not to take enforcement action for 5 years until someone complained.

As to the second prong, regarding good faith, Deardorff contends that there is no direct evidence that he engaged in any improper conduct or that the ZHB found that he acted in bad faith. Deardorff argues that he acquired at least two permits in connection with the improvements to the Property, and thought that he acquired all permits required for all of the improvements constructed on his Property. His credibility is challenged by the fact that the Township's search of archived permits failed to disclose approval for the residence. However, Deardorff points out that even the Zoning Officer admitted that it was possible that another permit was issued, but was not located in the archives. (ZHB Hr'g Tr. at 157-58.) Deardorff admits that, at most, he failed to acquire a necessary permit, but argues that solely failing to acquire a permit cannot be considered evidence of bad faith

[6] Apparently, the Township Supervisors were unwilling to allow the Property to access the public road by way of an established private right-of-way. (Deardorff's Br. at 15.) Deardorff did not appeal the subdivision denial.

because, otherwise, no property owner could possibly prove entitlement to a variance by estoppel.

As to the third prong, Deardorff contends that he completed landscaping of the Property in a manner which creates the appearance of two separate properties, and that he did this in reliance upon the appearance of regularity that the Township's inaction had created.

With regard to the fourth prong, Deardorff argues that the hardship created by cessation of the illegal use is to eliminate the mobile home, which would result in the destruction of that dwelling, a loss in excess of $50,000.00.[7]

Upon review of the record we do not agree with Deardorff's arguments and, instead, conclude that there is sufficient evidence of record before the ZHB to affirm the trial court's order denying Deardorff's request for a variance by estoppel. Here, the ZHB found that Deardorff was cited for the violation "after an investigation, upon being made aware of the presence of multiple residences on the property . . . ." (ZHB Decision, Findings of Fact (FOF) ¶ 8.) In support of this finding, the Codes Administration Enforcement Officer testified that the Township was made aware of the violations of the Ordinance in 2005, after a complaint was made by a reliable source who had access to the Property, and a subsequent

[7] Deardorff contends that the neighboring property owner who complained to the Township about Deardorff's use of the Property was permitted to effectively hold the violation over Deardorff's head to obtain favorable settlement of a private dispute.

investigation uncovered the two residences. (ZHB Hr'g Tr. at 161.)[8] The ZHB also found that Deardorff had previously applied for a subdivision of his Property in 2001, but that it was unsuccessful. (See FOF ¶ 8.) In support of this finding, the testimony and documentary evidence establishes only that a question was raised by the Township Engineer about whether there was an apartment above the second garage, but Deardorff failed to show that the Township was later made aware that his 2,800 sq. ft. residence was attached to that garage. Thus, the evidence shows that, at most, a 13-month period had elapsed from the time the Township knew of the violation until the time the Township began enforcement proceedings. Deardorff did not offer case precedent, nor is this Court aware of existing case precedent, holding that knowledge and non-enforcement for less than two years rises to the level of a "long period of municipal failure to enforce the law." Cf. Caporali, 493 A.2d 791 (variance by estoppel granted when there was a two-year period of knowing non-enforcement after the municipality had specifically given the landowner permission to use his property in the manner requested). Even assuming we would find a substantial amount of time had elapsed in non-enforcement by the Township, Deardorff failed to show active acquiescence on the part of the ZHB. As the ZHB argues, there is no authority to support Deardorff's

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[8] The testimony revealed that the Zoning Officer took action in 2006 because of:

> a level of confirmation. What we had presented to us [in 2001 during the subdivision process] was a plan indicating a garage. We could not confirm that it was a garage, nor could we deny that it was a garage.
>
> When we receive a complaint from what we deem as a reliable source that may have had more access to the property than we have had in the past, that's when we pursue."

(ZHB Hr'g Tr. at 160-61.)

argument that denial of a subdivision plan constitutes active acquiescence. In fact, in the 2001 subdivision application, Deardorff does not identify the illegal use on the subdivision plan and misleadingly identified the residence only as an "existing garage" without revealing that the garage is, in fact, a 2,800 sq. ft. home. (Graphic Scale, Tab E to the ZHB Hr'g Tr., July 20, 2006.) Thus, the subdivision plan itself concealed the fact that there were two single-family, detached dwellings on the Property. The record also appears to show that the subdivision application was denied because of lack of access to a public road, which has nothing to do with the Township's knowledge of the residence being situated on the Property as the "existing garage." Further, Deardorff's argument that the Township's failure to take enforcement action for 5 years until someone complained establishes active acquiescence on the part of the Township is meritless. This Court, in Skarvelis, 679 A.2d at 281, has stated that "a mere showing that a municipality has failed to enforce the law for a long period of time is insufficient in itself to support the grant of a variance." Accordingly, we conclude that Deardorff failed to prove the first element of the variance by estoppel test.

Further, we cannot conclude that Deardorff satisfied the second element of showing good faith in order to receive a variance by estoppel. Despite his having intimate knowledge of the procedures and requirements of obtaining permits to build his mobile home and two garages on his Property, Deardorff failed to present any evidence that he applied for or was granted a permit to construct his residence. Deardorff relies on the testimony of Mr. Kindt to show that he applied for a permit which was granted permitting him to build the residence; however, Mr. Kindt testified that he was not sure whether the posted permit was for the residence or the

second garage. (ZHB Hr'g Tr. at 88.) Further, as discussed *supra*, Deardorff intentionally included a misrepresentation in his application for a subdivision when he failed to indicate that his residence was situated on the Property. (Graphic Scale, Tab E to the ZHB Hr'g Tr., July 20, 2006.) In such a situation, Deardorff's alleged reliance on a query by a Township Engineer, which was never addressed, does not demonstrate the requisite good faith or innocent reliance upon the validity of the use as required to meet prong two of the test.

Moreover, Deardorff failed to show that he reasonably relied on the Township's inaction, which induced him to pay a great expense in landscaping the Property. Upon review of the record, it seems more probable that Deardorff invested in the landscaping to shield the illegal use of his Property, or to give the Property the appearance that the two dwellings are located on two separate parcels. In any event, we agree with the ZHB that the landscaping can independently give Deardorff's Property more value, whether two residences are located on the Property or not. Therefore, we conclude that Deardorff failed to prove prong three of the test.[9]

Accordingly, because there is substantial evidence to support the denial of a variance by estoppel, we affirm this portion of the trial court's order.

[9] Alternatively, Deardorff argues that the doctrine of laches should be invoked to bar enforcement. Relying on Heidorn Appeal, 412 Pa. 570, 195 A.2d 349 (1963), Deardorff contends that the Township deliberately chose not to pursue enforcement for five years after it knew of the violation, but even then only acted because of a complaint by an adjoining property owner. However, this Court concludes that Deardorff's laches argument is waived for failure to raise it below. Even if not waived, it would not be successful for the same reasons.

2. Legal Nonconforming Use

Deardorff argues that the ZHB erred in denying his claim that the mobile home is a legal nonconforming use. This Court has explained that "[a] pre-existing non-conforming use arises when a lawful existing use is subsequently barred by a change in the zoning ordinance." Scalise v. Zoning Hearing Board of Borough of West Mifflin, 756 A.2d 163, 166 (Pa. Cmwlth. 2000). The right to maintain a pre-existing nonconformity is available only for uses that were lawful when they came into existence and which existed when the ordinance took effect. Pre-existing illegal uses cannot become nonconforming uses with a protected right to exist upon enactment of a new ordinance prohibiting them. Id. "[I]t is the burden of the party proposing the existence of such non-conforming use to establish both its existence and legality before the enactment of the ordinance at issue." Lantos v. Zoning Board of Haverford Township, 621 A.2d 1208, 1210 (Pa. Cmwlth. 1993).

Deardorff argues that, under Section 1701 of the current Ordinance, nonconforming uses are structures that were otherwise lawful on the effective date of the prior ordinance and may be continued. Deardorff explains that, at the time the mobile home was constructed in 1997, the Property was zoned Residential-Agricultural. The permitted uses for that zone included single-family, detached dwellings, and "[c]ustomary accessory uses and buildings incidental to any of the permitted uses, including but not limited to one: (1) tenant house and dwelling for migrant workers." (Ordinance 83-5 (December 20, 1983) § 401(12).) Although the term "tenant house" is not defined, Deardorff contends that the term is clearly a different concept from the term "dwelling for migrant workers." Thus, at the time Deardorff's residence was completed, he contends that the residence constituted a

single-family, detached dwelling, while the mobile home constituted a permitted "tenant house" under Ordinance 83-5. Deardorff contends that the provisions of Ordinance 83-5 are clearly susceptible to an interpretation that Deardorff established a "tenant house" as a permitted use before Ordinance 83-5 was amended in December 1998. Deardorff argues that the use was legally nonconforming at the time the current Ordinance was adopted and, thus, he is permitted by right to continue it.

As previously stated, Ordinance 83-5 of 1983 permits "[c]ustomary accessory uses and buildings incidental to any of the permitted uses, including but not limited to one: (1) tenant house and dwelling for migrant workers." (Ordinance 83-5 (December 20, 1983) § 401(12).) For the accessory use of the mobile home, as a "tenant house," to be legal and continue, the residence to which it is an accessory would have had to be legal at the time it was constructed. However, the residence was illegally constructed due to Deardorff's failure to secure a building permit, occupancy permit, and a septic permit for two dwellings to be located on the same parcel. Therefore, Deardorff's argument must fail; because the residence was not legally constructed, the mobile home cannot be a legal nonconforming use. Additionally, we agree with the trial court that Deardorff has not shown that his Property is used for any agricultural purposes, such as a "tenant house and dwelling for migrant workers" under Section 401(12) of Ordinance 83-5. A review of the purpose of the section, and the actual permitted uses under Section 401 of Ordinance 83-5 reveals that, as a whole, the permitted uses consist of agricultural uses, such as various types of farming. Thus, it is not clear that a "tenant house and dwelling for migrant workers" was intended

to include a typical landlord/tenant relationship, which has nothing to do with agricultural uses, as we have here. In other words, Section 401(12) refers to housing for individuals who work on a farm of some type or on the land. However, that is not the type of tenant renting the mobile home. This would also support affirming the trial court finding that the mobile home is not a legal nonconforming use.

3. Permitted as of Right

Deardorff argues that the mobile home is a permitted use as of right under Section 401 of the Ordinance as a "[s]ingle-family detached dwelling[]." (Ordinance 83-5 (December 20, 1983) § 401(1).) Deardorff argues that the permitted uses under the alleged violation arise because of the last sentence in the definition of "Use, Principal" in Section 2002 of the Ordinance, which states that "there shall be no more than one (1) principal use per lot." (Ordinance 98-13 (December 14, 1998) § 2002.) Deardorff argues that, in literal terms, there is only one principal use of the Property and that use is single-family, detached dwellings, specifically permitted by Section 401. Deardorff contends that the fact that there are two such dwellings appears to be contemplated by Section 401(1) of the Ordinance and does not violate the last sentence of Section 2002 of the Ordinance. Deardorff argues that, consistent with Section 2002 of the Ordinance, the primary purpose for which the Property is arranged or intended is single-family, detached dwellings and, thus, no violation has occurred.

Courts confronted with interpreting ambiguous or undefined terms within an ordinance are guided to: construe words and phrases in a sensible manner; utilize

the rules of grammar and apply their common and approved usage; give undefined terms their plain, ordinary meaning; and resolve any doubt as to the application of an ambiguous term in favor of the landowner and the least restrictive use of the land. Steeley v. Richland Township, 875 A.2d 409, 414 (Pa. Cmwlth. 2005). We are also mindful that a zoning hearing board's interpretation of its ordinance is entitled to great weight and deference. Beers v. Zoning Hearing Board of Towamensing Township, 933 A.2d 1067, 1071 (Pa. Cmwlth. 2007). In addition, this Court must presume that the drafters of the Ordinance did not intend a result that is absurd or unreasonable. Id. (citing Section 1922 of the Statutory Construction Act of 1972, 1 Pa. C.S. § 1922).

We agree with the trial court that Deardorff's argument is illogical. Initially, we note that Deardorff raises conflicting arguments. He first contends that the mobile home is an accessory use, and later argues the mobile home is a principal use on the lot. Additionally, we note that the Ordinance does not specifically allow multiple principal uses per lot. While Deardorff's argument that he is permitted to have two single-family, detached dwellings on one lot does not violate the language of Section 2002 of the Ordinance on its face, we agree with the trial court that such an interpretation would be illogical and absurd. As the trial court astutely opined, "[i]f Deardorff's position would be accepted, then any number of detached single dwelling residential buildings could be constructed on any parcel within the Township." (Trial Ct. Op. at 9.) Accordingly, we give deference to the ZHB's interpretation of the Ordinance and agree with the trial court that, because the Ordinance permits one principal use per lot, Deardorff's lot can have only *one* single-family, detached residential dwelling as a principal use.

Based on the foregoing reasons, we affirm the order of the trial court.

RENÉE COHN JUBELIRER, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Harold E. Deardorff, Jr.,	:	
	:	
Appellant	:	
	:	
v.	:	No. 1472 C.D. 2007
	:	
Fairview Township Zoning Hearing Board	:	
	:	

O R D E R

NOW, May 12, 2008, the order of the Court of Common Pleas of York County, sustaining the Decision of the Fairview Township Zoning Hearing Board in the above-captioned matter is hereby **affirmed**.

RENÉE COHN JUBELIRER, Judge