

**[J-129-2003]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

IN RE: PETITION OF DOLINGTON LAND : No. 80 MAP 2003  
GROUP AND TOLL BROS., INC. FROM :  
THE DECISION OF THE ZONING : Appeal from the Order of the  
HEARING BOARD OF UPPER : Commonwealth Court entered July 3,  
MAKEFIELD TOWNSHIP : 2002, at No. 137 C.D. 2002, affirming the  
: Order of the Court of Common Pleas of  
APPEAL OF: DOLINGTON LAND : Bucks County, entered December 27,  
GROUP AND TOLL BROS., INC. : 2001, at No. 00-08019-24-5  
:  
MARY JANE AND CALVIN LARSON, : Argued: October 21, 2003  
FRANCES BIELSKI, CAROL STUCKLEY,  
OTTO SCHNEIDER AND ROBERT  
MUTSCHLER LARSON,  
  
APPELLEES/INTERVENORS

**CONCURRING OPINION**

**MR. JUSTICE EAKIN**

**DECIDED: DECEMBER 30, 2003**

Allowance of appeal was granted to determine the application of Surrick v. Zoning Hearing Board of the Township of Upper Providence, 382 A.2d 105 (Pa. 1977), to the validity of a multi-municipal zoning ordinance. There being insufficient facts of record to do so, the Majority saves the issue for another day, making the lengthy discussion on this issue merely advisory in nature. As such, I would affirm the Commonwealth Court without opinion.