

COMMONWEALTH COURT OF PENNSYLVANIA

Ronald Yocca v. Turtle Creek Zoning Hearing Board and Borough of Turtle Creek

No. 846 C.D. 2023 (Pa. Commw. Ct. Aug. 1 2025) · No. 846 C.D. 2023 · Decided August 1, 2025

SUMMARY

The Commonwealth Court of Pennsylvania affirmed the denial of Ronald Yocca’s request for a special exception to operate a sober recovery house housing seven individuals in an R-2 Residential district. The court held that the zoning board and trial court failed to properly analyze Yocca’s request for a reasonable accommodation under the Fair Housing Amendments Act, particularly under the framework requiring consideration of necessity and reasonableness. The court vacated that portion of the decision and remanded for further findings and a new decision.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Matthew S. Wolf; Patricia A. McCullough; Stacy Wallace
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	August 1, 2025
DOCKET	846 C.D. 2023
DISPOSITION	other
PROCEDURAL POSTURE	Applicant appealed the Court of Common Pleas of Allegheny County's affirmance of a zoning hearing board decision denying a special exception and a reasonable accommodation under the Fair Housing Amendments Act.
STANDARD OF REVIEW	When the common pleas court does not take additional evidence, appellate review is limited to determining whether the zoning hearing board committed an abuse of discretion or an error of law.
PRECEDENTIAL VALUE	Published Pennsylvania Commonwealth Court opinion
PARTIES	Ronald Yocca v. Turtle Creek Zoning Hearing Board, Borough of Turtle Creek

TOPICS

- reasonable accommodation
- zoning
- disability definition
- appellate procedure
- standard of review

PRACTICE AREAS

zoning

fair housing

disability rights

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the zoning hearing board properly denied a special exception for a group home housing up to seven individuals when the zoning ordinance allowed group homes by special exception but limited them to three occupants.
2. Whether the zoning hearing board and trial court applied the proper Fair Housing Amendments Act framework in denying Yocca's request for a reasonable accommodation from the three-person group-home occupancy limit.

HOLDINGS

1. The zoning hearing board properly denied the requested special exception because the ordinance unambiguously limited a group home in an R-2 Residential district to no more than three individuals, and a seven-person recovery house was not a use set forth or allowed by the ordinance.
2. The board and trial court erred by treating the ordinance's three-person group-home exception as an adequate accommodation without applying the FHA reasonable-accommodation framework. Because the three-person limit was based on use type rather than space and did not apply neutrally to all residences, it was not within the FHA's absolute occupancy-limit exception; the matter had to be evaluated under the necessity-and-reasonableness framework.

KEY QUOTATIONS

"Therefore, it properly denied Applicant's request for a special exception for a group home housing seven individuals, which is not a use "set forth or allowed" in the Ordinances." (7)

"Accordingly, non-uniform occupancy restrictions do not fall under the FHA exception and may be subject to reasonable accommodation under the FHA." (8)

"Where an applicant has shown that an accommodation is necessary, it may only be denied if it is unreasonable." (9)

"Accommodations under the FHA need not fit neatly into predefined zoning definitions—rather the inquiry is whether the zoning ordinance should not be enforced as written in order to accommodate disabled individuals." (10-11)

FACTUAL BACKGROUND

Yocca owned and operated a sober recovery house at 828 Maple Avenue in Turtle Creek, an R-2 Residential zone, housing up to seven individuals recovering from drug and alcohol addiction. The borough's zoning ordinance allowed group homes in the district by special exception but limited them to three occupants. Yocca presented evidence that at least four occupants were necessary for financial viability and that shared living among individuals in recovery provided therapeutic and accountability benefits. The zoning board denied both the special-exception request and the requested FHA accommodation, and the trial court affirmed.

PROCEDURAL HISTORY

Yocca operated a sober recovery house in a property zoned R-2 Residential and sought a special exception or reasonable accommodation to house up to seven individuals. The Turtle Creek Zoning Hearing Board denied both requests. The Court of Common Pleas of Allegheny County affirmed. The Commonwealth Court affirmed the denial of the special exception but vacated the denial of the FHA reasonable-accommodation request and remanded for further proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The trial court must remand the matter to the zoning hearing board. The board must issue a new decision, limited to the existing record, with findings of fact and conclusions of law addressing whether Yocca established that the requested accommodation, or a lesser accommodation, was necessary for financial viability or an ameliorative therapeutic benefit and, if so, whether the Borough proved that the accommodation was unreasonable because of undue financial or administrative burdens, undue hardship, or a fundamental alteration of the zoning program.

CASES CITED

- Allegheny West Civic Council, Inc. v. Zoning Board of Adjustment of the City of Pittsburgh, 689 A.2d 225, 227 (Pa. 1997)
- Kohl v. New Sewickley Township Zoning Hearing Board, 108 A.3d 961, 968 (Pa. Cmwlth. 2015)
- City of Clairton v. Zoning Hearing Board of City of Clairton, 246 A.3d 890, 909 (Pa. Cmwlth. 2021)
- City of Edmonds v. Oxford House, Inc., 514 U.S. 725, 733 (1995)
- Lapid-Laurel, L.L.C. v. Zoning Board of Adjustment of Township of Scotch Plains, 284 F.3d 442, 457, 461-62 (3d Cir. 2002)
- Carunchio v. Swarthmore Borough Council, 237 A.3d 1183 (Pa. Cmwlth. 2020) (en banc)
- Albert v. Zoning Hearing Board of North Abington Township, 854 A.2d 401 (Pa. 2004)

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