

# In the Zone

with Rob Gundlach



Spring 2024

## Chairman's Message

College basketball is over and major league baseball is back. That's how we know it's time for the spring issue of In the Zone.

Thanks to everyone who joined us for the first round of the NCAA Basketball Tournament. If we missed you this year, I hope you can join us next year. See photos below.

This issue of the newsletter has something for everyone.

Any business facing the prospect of a commercial lease negotiation should read the alert by **Robert Kravets**. It offers practical advice on a few issues that should always be considered in a lease negotiation.

We have a several alerts about rulings from the Pennsylvania Commonwealth Court, which is the court that considers land use appeals. Thanks to the lawyers on my team — **Drew Stoll**, **Dan Lyons** and **Jenna Kasman** — for the write-ups on these court opinions. **Sam Finkel** reports on a nonjury verdict in Chester County that rejected a homebuyer's claim of an undisclosed defect.

Finally, we have a few news items. Fox's Real Estate team is expanding in Miami, and here in Pennsylvania, two Fox deals were named among the "Beat Real Estate Deals of 2023" by the *Philadelphia Business Journal*.

I hope all is well with you and yours. If there's something you would like to see in a future issue of the newsletter, please reach out to me directly.

Stay well,

Rob Gundlach

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## ! Alerts

### Billboard Denial Ruling Points to Lessons for Landowners

By Rob Gundlach

Approvals for off-premises advertising signage continue to be difficult to obtain in Pennsylvania and applicants need to "go all in" when they have the right cards.

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### Three Considerations for Tenants Negotiating a Commercial Lease

By Robert Kravets

Many business owners are choosing to lease rather than buy commercial spaces. Here are three important issues that should always be considered.

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### **Commonwealth Court Upholds Variance to Build Home on Nonconforming Lot**

By Andrew R. Stoll

An appellate court upheld a variance after finding that a single-family dwelling "will not alter the essential character of the neighborhood."

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### **Judge Rejects Claim That Seller Failed to Disclose Defect**

By Samuel Finkel

A recent decision by a Chester County judge limits the scope of a seller's duties under Pennsylvania's Real Estate Seller Disclosure Law.

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### **Objector Refuses to Quit, But Court Dismisses as Moot**

By Rob Gundlach

Objectors cannot be ignored when securing permits and approvals in Pennsylvania, but the courts can call an end to disputes.

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### **Zoning Use Variances Can Be De Minimis, Commonwealth Court Determines**

By Daniel Lyons

If a requested variation is minor, and rigid compliance with the zoning ordinance is not necessary to protect public policy, zoning hearing boards have the power to grant a de minimis use variance, the Pennsylvania Commonwealth Court has ruled.

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### **Commonwealth Court Analyzes the Law on 'Natural Expansion' of a Property Use**

By Jenna Kasman

Growing retail sales at a U-Haul and laundromat prompted litigation that led a Pennsylvania appellate court to analyze an issue in zoning law involving when a property's growing nonconforming use may be deemed a "natural expansion."

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## News

### **New Jersey Legislature Passes Affordable Housing Bill**

The law is expected to usher in a new era of state affordable housing guidelines.

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### **'Best Real Estate Deals of 2023' Includes Two Deals Led by Fox Partner Craig Finger**

Partner Craig Finger spearheaded two Pennsylvania real estate transactions that were named among the *Philadelphia Business Journal's* Best Real Estate Deals of 2023: Office Winners list.

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### **Fox Rothschild Welcomes Commercial Real Estate Partner John Catalano in Miami**

We are pleased to welcome John Catalano, a seasoned negotiator with a record of closing major real estate and business deals for institutional clients and sophisticated investors.

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## Events

Our Pennsylvania attorneys hosted clients at Buffalo Wild Wings for the first round of the NCAA Basketball Tournament. Attendees received hats with their favorite college.

Pictured below from left to right: partner **Rob Gundlach** and **Michael Wojewodka** of MRA Group; **Eric Dieck** of Langan Engineering and Environmental Services, Inc., **Ron**



**Monkres and Robert Blue** of Robert E. Blue Consulting Engineers, P.C.; associate **Sam Finkel** and **Frank Lombardo**.



If you have questions or want information about how to best prosecute zoning and land use appeals, or if you are looking for assistance with your next real estate transaction, please contact **Rob Gundlach** at **215.918.3636** or **[rgundlach@foxrothschild.com](mailto:rgundlach@foxrothschild.com)**.

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