

PURPOSE OF THE ZONING HEARING BOARD

INTRODUCTION

The purpose of the Zoning Hearing Board is to help assure fair and equitable application and administration of the Zoning Ordinance by hearing appeals from the zoning officers' determinations, determining entitlement to conduct types of uses (special exceptions) and granting relief from the literal enforcement of the Ordinance, where the provisions of the Zoning Ordinance inflict unnecessary hardship (variance). The Zoning Hearing Board schedules hearings on applications and appeals that come before it, takes evidence and issues written decisions with findings of fact and conclusions of law.

Appeals from determinations of the zoning officer or for zoning relief which can only be granted by the Zoning Hearing Board are submitted to the zoning officer. The zoning officer will provide to you an application for zoning relief. The zoning officer may not complete the application for you. It is the Applicant's obligation to complete the zoning application and to determine the nature of the relief which the Applicant requires, including the appropriate provisions of the Zoning Ordinance.

VARIANCES AND SPECIAL EXCEPTIONS

The two forms of relief most frequently requesting from the Zoning Hearing Board are variances and special exceptions.

- A. Variance - Typically, an application to the Zoning Hearing Board for a variance arises when a proposed use, structure or development does not meet all requirements of the Zoning Ordinance. When applying for a variance, it is the Applicant's responsibility to demonstrate each of the following factors (where relevant):
1. There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district where the property is located; and
 2. Because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and the granting of a variance is therefore necessary to enable the reasonable use of the property; and

3. Such unnecessary hardship has not been created by the applicant or its representative; and
 4. The variance, if granted, will not alter the essential character of the neighborhood or district in which a property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 5. The variance, if granted will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.
- B. Special Exception – A special exception is permission or approval granted to the applicant to use land in a zoning district for a specific purpose other than that generally permitted in the district. The permission or special exception is granted by the Zoning Hearing Board in accordance with all regulations and standards for that use contained in the Zoning Ordinance, provided that the specific application of the use would not injure the public interest or are contrary to the law.

It is the obligation of the Applicant to identify and present testimony on all applicable standards, both general in nature and standards specific to a particular use which are contained in the Zoning Ordinance. It is not the responsibility of the zoning officer to identify the standards and provisions of the Zoning Ordinance applicable to any particular application.

CONCLUSION

The provisions of these instructions are not intended to be exhaustive and are offered as a guide to the Applicant. It is the obligation of the Applicant to complete the application and provide testimony and other evidence which will support the relief requested. It is not the obligation of either the zoning officer or the Zoning Hearing Board to advise you or present testimony on your behalf. You may wish to contact legal counsel. Legal counsel may assist or represent you at the hearing.

It is the Applicant who is responsible to make its case to the Zoning Hearing Board in support of its application. Success is directly proportional to preparation. It is the Applicant who has the burden of proof to show that it is entitled to a variance or that it meets the requirements for a special exception or other relief. A complete, concise and well organized presentation will both save time and eliminate confusion. The Zoning Hearing Board may render a decision after the close of all testimony, or has the right to render a decision at a subsequent hearing (within 45 days from hearing).

The Applicant may only communicate with the Zoning Hearing Board during scheduled hearings. If the Applicant has any procedural questions, they should contact the Township administrative staff.

NOTICE

All cases coming before the Zoning Hearing Board are discussed at two public meetings prior to the hearing before the Zoning Hearing Board. The public meetings are as follows:

Planning Commission	First Tuesday	7:00 p.m.
Board of Supervisors	Second Tuesday	7:30 p.m.

It is highly recommended that the Applicant or the Applicant's agent attend the Planning Commission and Board of Supervisors meetings where the applications are discussed.

The public is welcome to attend one or both of these meetings and comment on the proposed cases.