

APPLICATION FOR HEARING - Internet Version

APPLICANT:				<u>DO NOT WRITE IN THIS SPACE</u>			Case #				
Name:				<u>CHECKLIST</u>							
Address:				Action Taken			Dates				
		(number)	(street)	Application Filed							
City:		State:		Zip:		Fee Paid: \$					
Phone:				Receipt Issued							
				Placed on Calendar							
				... for meeting of Board on							
<u>PROPERTY OWNER (if other than applicant)</u>				Notice of Hearing Mailed:							
Name:				a. To Applicant							
Address:				b. To nearby property owners							
		(number)	(street)	Sign Sent for Posting							
City:		State:		Zip:		Posting sighted by Zoning Officer					
Phone:				Hearing Held							
				Decision Made							
				Notification of Decision Sent							
<u>PROPERTY:</u>				Appeal Filed							
Address :											
	number		street				City		State		Zip

EXACT LEGAL DESCRIPTION:

present zoning districts:											
(A plot plan of the property drawn to scale must be attached to this application. See attached instruction sheet.)											
Date Purchased:				Present Use:							
		month/day/year									
<u>LOT SIZE:</u>											
Width:			Depth:			Area:			sq. ft.		
Date of Previous Application (if any):											
Proposed Use:											

THE ABOVE NAMED APPLICANT REQUESTS A HEARING BEFORE THE BOARD OF ADJUSTMENT AND A DETERMINATION ON THE FOLLOWING MATTER:

- INTERPRETATION
 SPECIAL EXCEPTION
 VARIANCE

(fill in section 1 below)	(fill in section 2 below)	(fill in section 3 below)

1. REQUEST FOR INTERPRETATION and review of decision of Zoning Officer dated _____, 20____
 based upon interpretation of Section _____ of the Zoning Ordinance. Nature of error claimed by applicant:

2. REQUEST FOR SPECIAL EXCEPTION as required by the Zoning Officer in Section _____. The proposed use at the proposed location (see attached site plan) is claimed by the applicant:

a. To be desirable to the public convenience and welfare for the following reason (s):

b. To be in harmony with the various elements and objectives of the Comprehensive Plan:

c. Not to be detrimental to the character of the neighborhood for the following reason(s):

d. To be consistent with such other standards as required by the Zoning Ordinance in Section _____

Standard	Provision for Compliance

3. REQUEST FOR VARIANCE of Section _____ of the Zoning Ordinance under which the Zoning Officer refused to issue a permit on _____, 20_____.

NATURE OF VARIANCE REQUESTED:

THE APPLICANT BELIEVES THE VARIANCE SHOULD BE GRANTED BECAUSE:

a. He is unable to make reasonable use of his property for the following reasons:

b. The unnecessary hardship on his property is:

- The result of the application of the Zoning Ordinance
- Due to unique physical circumstances of the property in question not shared by other properties in the vicinity
- Not financial in nature
- Not self-created

c. The proposed variance will not alter the essential character of the neighborhood nor impair the use of adjacent property for the following reasons:

d. The variance requested represents the minimum variance that will afford relief for the following reasons:

ADDITIONAL INFORMATION REQUIRED BY THE BOARD OF ADJUSTMENT IS ATTACHED

Note: I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Dated: _____, 20_____.

(signature of applicant)

NOTICE OF DECISION

ZHB CASE #: _____ DATE _____

The undersigned, being the applicant in the above captioned case before the West Manchester Township Zoning-Hearing Board stipulates and agrees that he(they) will accept the following as the notice of decision in the above captioned case.

The undersigned further stipulates and agrees that the provisions of s.908(9) of the Pennsylvania Municipalities Planning Code requiring the entry of the decision of the Zoning Hearing Board within forty-five (45) days of the hearing, shall be and hereby are waived, and consents to the entry of findings of fact, conclusions of law and a decision upon the application, based upon the testimony, evidence and exhibits presented to the Board or to the Hearing Officer(s) as the case may be, on or before the second regularly scheduled meeting of the West Manchester Township Zoning Hearing Board next following the hearing upon the application for which the waiver is executed.

INDIVIDUAL/PARTNERSHIP

Witness:	Date:	Applicant:	Date:
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CORPORATION

Attest:	By:
Secretary	date
	Title:

Notice of Decision:

The West Manchester Township Zoning Ordinance states that a building permit must be obtained within six (6) months from the date of approval of either a Variance or Special Exception or the approval is null & void.

The Municipalities Planning Code states that a person aggrieved has thirty (30) days to file an appeal to contest a municipal decision. The permit holder who builds during this thirty (30) days does so at his own risk.

ZONING INFORMATION SHEET

ZONING HEARING BOARD

- The Zoning Hearing Board is comprised of those volunteer residents of the township appointed to the Zoning Hearing Board by the Board of Supervisors.
- The Zoning Hearing Board's function is to hear requests for Special Exceptions, Variances, and Interpretation Appeals from the Township Zoning Ordinance.
- The Board's proceedings are quasi judicial in that sworn testimony is heard, evidence is submitted, cross examinations are considered and some rules of evidence apply. However, the proceedings are not as formal as actual courtroom proceedings.
- Many applicants choose to be represented by an attorney during the proceedings and many do not. This is a matter of personal choice. The Board itself employs a solicitor for legal counsel and advice during the proceedings.

VARIANCES

- A Variance is defined as a modification to the Zoning Ordinance granted by the Zoning Hearing Board.
- The Zoning Hearing Board may grant a Variance if an unnecessary hardship exists and the following findings are made in a given case.
 1. That there are unique physical circumstances on the property such as narrowness, exceptional topography, irregular lot size, or other limiting factors that prohibit development or use of the property in strict conformance with the Ordinance.
 2. That the hardship was not created by the applicant.
 3. That the Variance, if granted, will not alter the character of the neighborhood or impair the appropriate use of adjacent property.
 4. That the Variance, if granted, will be the minimum Variance needed to afford relief to the property.

SPECIAL EXCEPTIONS

- A Special Exception is generally a use that is permitted in a specific zoning district with additional criteria that must be met before granting.

SPECIAL EXCEPTIONS (continued)

--The Zoning Hearing Board may grant a Special Exception if all the specific criteria included in Article XXX of the Zoning Ordinance is met along with the following general conditions:

1. The proposed use is in harmony with the orderly development of the zone.
2. Adequate water, sewage disposal, storm drainage, and fire and police protection can be provided.
3. The use of adjacent property will not be discouraged nor the value impaired by the granting of the Special Exception.
4. The use will have the proper location with respect to existing and future streets and will not create congestion.

GENERAL INFORMATION

--The applicant for Variances and Special Exceptions shall always have the burden of proof which shall include going forward with the evidence and the persuasion on all questions of facts.

--The applicant is strongly recommended to either purchase or review the Zoning Ordinance in detail before submitting an application to the Zoning Hearing Board.

--The information contained in this handout is not legal advice nor all the information necessary to file for a Variance or Special Exception. It does, however, address some of the most-asked questions by applicants.

West Manchester Township
ZONING HEARING BOARD APPLICATION CHECK LIST

The following items must be submitted before the application will be accepted:

_____ **Application Form Filled Out Completely**

_____ **Notice of Decision Signed**

_____ **Filing Fee - \$325.00, plus \$100.00 for each additional Application.**

_____ **Site Plan (5 copies). If the plan is larger than 11” x 17” the plans must be folded.**

_____ **Names & Addresses of Property Owners Within 200' of Subject Property**

_____ **Photographs (Original photographs of the property are required. The photographs become part of the permanent record and will not be returned.)**