

Application for Variance *General Procedure*

When the Land Use Administrator denies a property owner a building permit or a site plan that does not conform to Zoning Ordinance requirements, an application may be made to the Penn Township Zoning Hearing Board. Once a variance application is submitted to the Land Use Administrator, a hearing date will be set, the variance will be advertised, and the property will be posted as required by law.

Facts show that a variance is, and should be, difficult to obtain. So long as the property can be developed for some reasonable use in conformity with the provisions of the Zoning Ordinance, the fact that it could produce more income or satisfy the need or desire of the owner more thoroughly is not a sufficient basis for the approval of a variance.

Unfortunately, many applicants assume that a variance is designed to permit the highest and best use of, or the greatest financial return from, their property where the Zoning Ordinance limits the use or value in some way. This is an incorrect perception of variance and one that causes the applicant a great degree of difficulty when a case is based on such a reason. Even when the proposed variance would be to the benefit of the community as a whole, the Zoning Hearing Board is not empowered to make adjustments to the Zoning Ordinance unless five specific standards contained in the Pennsylvania Municipalities Planning Code, and included in this application form, are met.

Format of Zoning Hearing Board hearings

1. The parties to the hearing shall be the applicant, the Municipality, any person affected by the application, or anyone with a relevant interest in the issue.
2. The case will be called and the Land Use Administrator will be asked to give a brief outline of the case.
3. The applicant will then be asked to present his/her case, at which time legal and factual requirements are presented that substantiate the need for the variance. The applicant may call any witnesses and introduce any evidence to support his/her case.
4. The board members will then question the applicant or representative.
5. Others in attendance are then allowed to speak for or against the request.
6. The public hearing will then be closed, and the board may then solicit a recommendation from the Solicitor.
7. The board may either render a decision the same evening or at the next scheduled hearing date. If additional testimony, evidence, or research is required, or if the applicant requests a continuance, the Board may continue the case.
8. Any party aggrieved by the decision of the Board may appeal the decision to the Court of Common Pleas of Butler County within thirty (30) days of the decision date.

For office use:

Dates of Advertisement: _____
Date of property posting: _____
Fee paid (check number): _____

Hearing date: _____
Decision: _____
Appeal Date: _____

APPLICATION FOR VARIANCE
Penn Township Zoning Hearing Board

Date _____

Applicant _____

Address _____

Phone _____ Fax _____

Property Owner _____

Address _____

SITE INFORMATION

Location _____

Parcel Number _____ Subdivision _____

Lot Size _____ Existing zoning _____ Existing land use _____

Nature of variance or other appeal _____

Has any previous appeal been filed in connection with this property? No Yes _____

I Hereby Certify that the above information and the statements and/or representations contained in any and all papers or plans submitted herewith are true and accurate to the best of my knowledge and belief.

Applicant's Signature

Date

The following information must be submitted with this application form:

1. A site plan showing the dimensions and shape of the property, size, and locations of existing and proposed buildings, existing and proposed easements and rights-of-way, and natural or topographic peculiarities on the property. At least one reduction of the scaled plans, measuring no more than 11" x 17", must be submitted.
2. A legal description of the property.
3. The complete names and addresses of the owners of the properties within three hundred (300) feet of the property in question.
4. The required fee of \$750. Please make the checks payable to Penn Township Supervisors.

Variance requests are evaluated in terms of the following five standards. The applicant must prove that the application specifically meets each of these tests, where relevant. Please describe how your request meets each of the following:

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 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 in which the property is located.

2. Because of 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 approval of a variance is therefore necessary to enable the reasonable use of the property.

3. The unnecessary hardship has not been created by the appellant.

4. The variance, if approved, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to public welfare.

5. The variance, if approved, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
