

JEFFERSON BOROUGH ZONING HEARING BOARD

Important Information for Applicants

About Your Application Form:

The Application form should be **complete** and contain a **clear statement** describing precisely what you want to do on your property, with drawings attached if appropriate. And, it should give a general indication **why** you think you are entitled to do so **under the law**. If not, the Board and others who are interested in what you wish to do on your property may be misled. This may result in a denial of your Application, or, at the very least, delay in rendering a decision, as well as, perhaps, additional costs being placed upon you if additional hearings are required

About Zoning Hearing Board Decisions:

The Zoning Hearing Board is **required** to decide your Application on the basis of legal principles **and** the evidence presented to the Board by you and any persons who might object to what you seek permission to do. Generally, the **Applicant** has the burden of **proving** that his/her Application meets the applicable law. Thus, you are **not** assured of receiving what you ask for **simply** because you have filed an Application with the Board !

The Zoning Ordinance is the starting place for determining the legal principles applicable to your case. In addition, other rules of law found in the Pennsylvania Municipalities Planning Code, court decisions, as well as the Pennsylvania and United States Constitution, may come into play.

Since the interpretation of the Zoning Ordinance and its applicability to your particular case, as well as the state law and court decisions referred to above, all involve legal opinions and questions, there are many situations where you **should be represented by an attorney** who is knowledgeable about zoning law. Otherwise your case might not be presented in the best light.

Types of Cases:

The most common types of case that come to zoning hearing boards are *Special Exceptions, Variances, Appeals From Determinations Of The Zoning Officer and Challenges To The Validity of The Ordinance.*

Special Exceptions:

If a Special Exception is requested, the evidence **must** show:

1. That the proposed use of the property is one that Article III of the Zoning

Ordinance authorizes the Board to grant as a Special Exception in the zoning district in question;

JEFFERSON BOROUGH APPLICATION TO ZONING HEARING BOARD

Application No. _____ Date: _____

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TYPE OF MATTER

SPECIAL EXCEPTION VARIANCE: Use Dimensional

APPEAL FROM DETERMINATION OF ZONING OFFICER

VALIDITY CHALLENGE TO LAND USE ORDINANCE: Substantive Procedural

Other (*Describe*)

1. APPLICANT:

Name _____

Address _____

Phone _____

2. PROPERTY OWNER (*If other than Applicant*):

Name _____

Address _____

Phone _____

3. PROPERTY AT ISSUE:

Address _____

Tax Map & Parcel # _____ (*Attach copy of Tax Map*)

Dimensions: Width _____ Depth _____ Area _____

If shown on Subdivision Plan:

Lot # _____ Name of Subdivision _____

Recorded in Plan Book _____, Page _____ (*Attach copy of Subdivision Plan*)

Public Water: Yes No

Public Sewer: No

Zoning District _____

Prior Applications
(Date, Number & Result)

Present Use

4. **PROPOSED USE**

4. **APPLICANT'S INTEREST IN THE PROPERTY**

Owner

Date title acquired _____ (Attach copy of Deed)

Contract Purchaser

Date of Contract _____ (Attach copy of Contract)

Other

Date interest acquired _____ (Explain & attach copies of relevant documents)

None - I object to a determination of the Zoning Officer or Municipal Engineer that applies to someone else's property

Determination objected to

Why & how I am effected by the determination

4. **NEARBY PROPERTY OWNERS** (Attach list of names & addresses of owners of all properties located within _____ feet)

4. **ATTACH APPROPRIATE SPECIFIC FORM(S) FOR THIS APPLICATION**

I request a hearing on this Application.

Date: _____

Applicant

- A. Use for which Special Exception sought:
- A. Ordinance section authorizing the Special Exception: _____
- A. Explain how your proposed use would comply with the **Specific Standards** for the use you seek that are set forth in **ARTICLE VI** of the Jefferson Borough Zoning Ordinance:

- A. Explain how your proposed use would comply with the **dimensional and other requirements** that are applicable to all uses in your zoning district, which are set forth in the section of **ARTICLE III** of the Jefferson Borough Zoning Ordinance that applies to your zone:

- A. Explain how your proposed use would comply with the **General Standards** for Special Exceptions that are set forth in **Section 504 f)** of the Jefferson Borough Zoning Ordinance:

- A.

The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone

- ii

Adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use

- iii. The use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings,

- iv The use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets

- F. Attach a survey, or other drawing drawn to scale, and/or a drawing of the interior layout of the buildings, appropriate to show how your property complies with the above mentioned requirements

VARIANCE - 1st page

- A. If a Use Variance:

- i. Use for which Variance sought:

Zoning Ordinance section from which Variance sought:

B. If a **Dimensional Variance**:

- i. Dimensional requirement from which Variance is sought:
- i. Zoning Ordinance section which imposes the requirement:
- i. If you claim that the deviation you request is *de minimus*, please explain how this is so

B. Explain how:

- i. The Zoning Ordinance provision you have mentioned inflicts unnecessary hardship upon you

- ii. 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 your property and that the unnecessary hardship is due to such conditions and not circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located

- iii. 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 that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

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V-1

VARIANCE - 2nd page

- iv. The unnecessary hardship was not created by you

- v. The requested variance, if authorized, will not alter the essential character of the

neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare

- vi. The requested variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue

- D. Attach a survey, or other drawing drawn to scale, and/or a drawing of the interior layout of the buildings, appropriate to show how your property complies with the above mentioned requirements

V-2

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**APPEAL FROM DETERMINATION OF
ZONING OFFICER OR MUNICIPAL ENGINEER**

- A. Appellant is: Owner of property at issue; Officer or agency of borough; Other person who is aggrieved by the determination.
- A. Attach copy of the determination which is being appealed
- A. If you are appealing a determination that applies to someone else's property, explain how you are effected by the determination

A. Explain why you believe the determination is incorrect and should be reversed

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APPL-1

VALIDITY CHALLENGE - 1ST Page

- A. Appellant is: Owner of, or person interested in, land that is adversely effected by the Zoning Ordinance;
 Person who is aggrieved by use(s) the Zoning Ordinance would allow on someone else's land.
- B. State ordinances section being challenged:
- C. The Ordinance section is claimed to be invalid: on its face only as applied to subject real estate

D. Give brief statement of grounds for challenge.
