



P.O. Box 1, Pocopson PA 19366
Office: 610.793.2151 Fax: 610.793.1944
www.pocopson.org

Zoning Hearing Board Application

The Zoning Hearing Board (ZHB) is a 3-member quasi-judicial board that has exclusive jurisdiction to hear appeals and render final decisions, including but not limited to: challenges to the validity of any land use ordinance, procedural questions or defects, determinations of the zoning officer, appeals from determinations of a municipal engineer or zoning officer with regard to flood plain issues and requests for variances or special exceptions. The primary purpose of the ZHB is to help assure fair and equitable application and administration of the zoning ordinance by granting relief from the literal enforcement of the ordinance in certain hardship situations.

A ZHB must limit its scope of activities to those permitted by the Pennsylvania Municipalities Planning Code (MPC) and by the local zoning ordinance.

The Pocopson Township ZHB meets on an as-needed basis to fulfill its purpose. All hearings are public meetings subject to the open meetings provisions of the Sunshine Law. The ZHB has its own legal counsel who advises the board during a hearing. In accordance with the MPC, the ZHB legal counsel is an attorney other than the municipal solicitor.

Application - The form to apply for a ZHB hearing is attached herewith and is also available from the Township Office or online at www.pocopson.org. The application must be accompanied by the required fees. **PLEASE NOTE: If the applicant is not the legal owner, proof of equitable ownership must be provided with the application, i.e., agreement of sale, lease, etc. The property owner MUST sign the application.** The ZHB will schedule a public hearing on the request within 60 days of receiving the application at a date that best suits participants' schedules. Hearings are generally held at 7:30 p.m. at the Township Administrative Office.

Fees - The governing body may prescribe reasonable fees which may include notice and advertising costs and necessary administrative overhead connected with the hearing including one-half the cost for a court reporter. Fees may not include legal expenses of the ZHB, expenses for engineering, architectural, or other technical consultants or expert witness costs. The current fees for Pocopson Township are set forth on page 5 of the ZHB application.

Variances - Requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant are the most common reason for ZHB hearings. The ZHB may grant a variance, provided that all of the following findings are made where relevant in a given case:

- (1) That 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



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- 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 in which the property is located.
- (2) That 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.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, 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 adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.

Findings - Following the hearing on a case, a written decision or findings must be rendered within 45 days. Where an application is contested or denied, it must be accompanied by a finding of fact, the conclusions based on these facts, and the reason that such conclusions were drawn to show it was reasoned and not arbitrary. A reference to the provision of any ordinance, rule or regulation relied on for any conclusion must be made along with the reason that the conclusion is appropriate for the particular case at hand.

**PLEASE COMPLETE THE PAGES THAT FOLLOW
FOR SUBMISSION TO THE TOWNSHIP.**



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Application No.: _____

Applicant (s): _____

Address of Record: _____

Telephone: _____ Cell Phone: _____

Email: _____

Tax Parcel # 63 - - Lot # (if applicable): _____

Location of Property (physical address): _____

Contact for Applicant (if not Applicant, i.e., attorney, engineer, contractor): _____

Telephone for Contact: _____

Email for Contact: _____

Address for Contact: _____

Owner of Property (if different from Applicant): _____

Address of Owner: _____

Brief Description of current use and existing improvements: _____



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Present zoning
classification and
use:

Type of Appeal (please select from the following):

- Appeal from decision of the Zoning Officer dated: _____
- Application for a variance - please specify one of the following:
 - commercial
 - residential
- Application for a Special Exception as authorized by the following Section of the Pocopson Township Zoning Code: _____
- Challenge to Validity of the Pocopson Township Zoning Code or Zoning Map
- Appeal from grant/denial of a Subdivision or Land Development Application
- Other: _____

Indicate the Section of the Zoning Code you feel the exception or variance may be allowed and state your reasons why it should be granted (including hardship incurred):

Description of proposed improvement or changes, referring to the plans submitted:

Name(s) and address(s) of all property owners on the same street within 1,000 feet (attach an additional sheet if necessary):

Name(s) and address(es) of all property owners NOT on the same street within 150 feet (attach an additional sheet if necessary):



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Zoning Hearing Board Fees: Applicant shall deposit with the Township appropriate fees for the purpose of conducting a hearing as set forth in the Township Code:

Appeal from Zoning Officer Determination		\$500.00
Variance fees for residential - Initial fee \$1,000.00 Fee per continuance \$500.00	Variance fees for commercial/industrial - Initial fee \$1,500.00 Fee per continuance \$500.00	
Special Exception fees for residential - Initial fee \$1,000.00 Fee per continuance \$500.00	Special Exception fees for commercial - Initial fee \$1,500.00 Fee per continuance \$500.00	

PLEASE NOTE: If the Type of Appeal is for a Variance or a Special Exception or if it is an Appeal from Zoning Officer Determination, please submit **15 copies** of this completed and signed Application along with **15 copies** of collateral material associated with the Appeal, by example, site plans, photographs, etc.

IMPORTANT NOTE REGARDING SUBMISSION OF SITE PLANS: plans must show property lines, front, rear, and side yard setback dimensions, location of all structures on the property and location of water well and on-lot sewage facilities. Please contact the Township Secretary regarding the electronic submission of any collateral material.

The Application is deemed incomplete until all requisite copies are submitted.

PLEASE NOTE: If the applicant is not the legal owner, proof of equitable ownership must be provided with the application, i.e., agreement of sale, lease, etc. In addition, the property owner must sign the application.

Date

Signature of Applicant/Agent for Applicant

PRINT NAME

Date

Signature of Property Owner (if not the Applicant)

PRINT NAME