

Honey Brook Township

Application for Public Hearing

Before the Zoning Hearing Board (Chapter 27, Part 14)

What role does the Zoning Hearing Board (ZHB) play? The ZHB acts as a quasi-judicial body that is independent of the Board of Supervisors, that hears applications for variances, special exceptions, appeals to determinations of a ruling by the Zoning Officer, and substantive validity challenges to a land use ordinance (listed in the order of most frequently heard type to the rarely heard type).

Think of the ZHB as the judges of a case. The ZHB hears testimony and receives evidence. Based on that information, the ZHB renders a decision, known as a zoning order. The ZHB can impose reasonable conditions if it grants a request.

Instructions for obtaining a Special Exception or Variance or Appealing the Zoning Officer's Ruling/Determination

Please submit pages 6-7 filled out completely:

Section 1: select the option for your hearing. It is possible, but rare, to have more than one of the following options apply to a situation. Each option type is explained below.

- a. **Special exception:** in the first blank, indicate briefly your intent. In the second blank, cite the section of the Zoning Ordinance under which the Special Exception is being sought.

A special exception is mis-named. It's neither special nor an exception. A special exception is an *allowed* use of a property, provided *advance authorization* is granted by the ZHB. A property owner has the *right* to receive a special exception once the property owner proves they can meet the performance standards of the ordinance. For example, if the performance standard says a use has to provide two off-street parking spaces, the property owner has to demonstrate they can provide the two spaces. Once the property owner proves they can meet the standards, the ZHB is *obligated to grant* the special exception. The ZHB *may* impose reasonable conditions on the use.

- b. **Variance:** cite the section(s) of the Zoning Ordinance that you wish to seek a variance from.

A variance is a request to use a property in a manner that does not conform to the Zoning Ordinance. This can range from an actual use (use variance), such as creating a convenience store in the Agriculture zoning district, to asking to encroach on a setback (dimensional variance). Under state law, the ZHB can only grant a variance when certain conditions exist on the lot. These conditions would create a hardship, which the property owner must prove to the satisfaction of the ZHB. All the following must apply, per Section 910.2 of the Pennsylvania Municipalities Planning Code (PA-MPC):

- 1) There are unique physical circumstances or conditions of the property which result in the hardship,
- 2) Because of such conditions, the applicant cannot conform with the Zoning Ordinance,
- 3) The hardship has not been created by the applicant,
- 4) The variance will not alter the essential character of the neighborhood or district in which the property is located or be detrimental to the public welfare, and
- 5) The variance is the minimum variance affording relief.

Honey Brook Township

Application for Public Hearing

Before the Zoning Hearing Board (Chapter 27, Part 14)

- c. **Appealing the zoning officer** (notice of violation/determinative ruling): please note the date of the violation or determination letter and the section of the Zoning Ordinance that was cited in the violation or determination.

Appeals from the determination of the zoning officer, include, but are not limited to, the following:

- 1) the granting or denial of any permit
- 2) the failure to act on an application for any permit
- 3) the issuance of any cease-and-desist order (such as a Notice of Violation, or NoV)—this is the most common appeal
- 4) the registration or refusal to register any nonconforming use, structure, or lot

Please note that this application is not intended for a substantive validity challenge to a land use ordinance, which is a challenge to the validity of an ordinance or map that prohibits or restricts the use or development of land. Landowners who wish to apply for this type of hearing should contact the Township Administration Office.

Section 2: Applicant/ Owner / Agent information

- a. Clearly print the applicant's name (**Please note:** *if the applicant is other than the legal or equitable owner of the property, evidence of authorization to act on their behalf must be attached*).
- b. The applicant's mailing address.
- c. The property owner's name (if different from the applicant's name).
- d. The owner's mailing address (if different from the applicant's).
- e. The location of the property. In some cases, this may differ from the mailing address.
- f. The tax parcel number: if you are unsure of the tax parcel number, it can be found using ChesCo Views at <https://arcweb.chesco.org/CV4/>.
- g. The Agent/Representative name and address, if the application is being filled out by someone other than the homeowner. If this does not apply, put "n/a" (for "not applicable") in the blank.
- h. Phone number (at the very least) and fax number (if applicable. If none, put "n/a" in the blank).
- i. Applicable email addresses: if none, put "n/a" in the blank.

Section 3: Existing Improvements / Use Information

- a. The size of the property in square feet (s.f.): the property size in acres multiplied by 43,560 sq. ft.
- b. Total buildings, in square feet (sq. ft.): add together the square footage of all buildings
- c. Other impervious coverage, in square feet (sq. ft.), such as sidewalks and driveways.
- d. Total impervious, in square feet (sq. ft.): Add your answers from b. and c. together.
- e. The percent of total impervious: divide the number in d. by the number in a. The result will be the percentage of impervious coverage expressed as a decimal.
- f. Sewer service: please circle the appropriate answer.
- g. Water service: please circle the appropriate answer.
- h. Shared sewer/water: please circle the appropriate answer. If yes, explain.
- i. Current uses: please list the current use(s) on the property. Examples include residential, commercial, agricultural, etc.
- j. Circle the appropriate answer. If anything about the property is non-conforming, explain.
- k. Circle the appropriate answer. If the property is subject to any easements or legal restrictions, explain.
- l. Circle the appropriate answer. If you are unsure if any part of your property is in the flood hazard zone, you may consult the federal Flood Insurance Resource Map (FIRM) or determine this in ChesCo Views at <https://arcweb.chesco.org/CV4/>.
- m. The zoning district. The Zoning map is on the Township website at www.honeybrooktwp.com.

Honey Brook Township

Application for Public Hearing

Before the Zoning Hearing Board (Chapter 27, Part 14)

Section 4: Please give a narrative description of the proposed use and site improvements. Attach a separate sheet if necessary. Describe what it is that you are doing that requires the special exception or variance or why you are appealing the Zoning Officer's NoV or determination.

Section 5: *Please carefully read this entire section and check off each box upon completion. Failure to complete all parts of the application and/or provide the supporting documentation will result in the applicant being returned back to the applicant to compete. This will result in delays.*

- **List of names, parcel numbers, and mailing addresses:** this is not simply a list of adjoining. This is a list of those properties within 500 feet of the subject property (identified in e. under Section 2) that are on the *same street* as the subject property **and** those within 200 feet of the subject property that are *not* on the same street as the subject property. It is helpful to list the situs (or location) address for each property in addition to the mailing address. In many cases, the situs address it will be the same as the mailing address, but in some cases, it will differ.
- **Site Plan.** Use the instructions below to guide you.

In general:

- Site plan should be drawn to a scale of one inch = 100 feet
- Include a copy of the last recorded subdivision plan of which the subject property is a part
- Include an aerial image of your property (such as from Google Earth or ChescoViews)
- Show all property lines with approximate lengths
- Dimensional features showing compliance with applicable area, width, coverage, yard, natural and historic protection standards per Chapter 27 (Zoning Ordinance)

Existing Features:

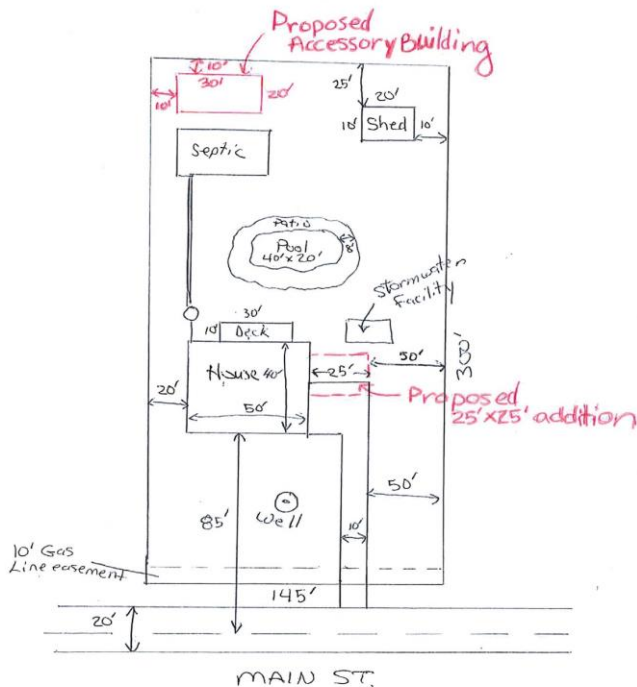
- Show all existing buildings / structures - this includes driveways/parking areas, sheds, detached garages, decks, pools, patios, accessory buildings, etc.
 - Indicate location of all buildings / structures
 - Indicate size (dimensions) and coverage of all buildings / structures, including height
 - Indicate use of all buildings / structures
 - Show distances from buildings / structures to property lines
 - Show distance from buildings / structures to centerline of road
- Well & Septic locations (or laterals for public water/sewer)
- Locations & dimensions of any stormwater management features (basins, underground stone infiltration beds, swales, etc.)
- Locations and widths of any utility or stormwater easements

Honey Brook Township Application for Public Hearing Before the Zoning Hearing Board (Chapter 27, Part 14)

Proposed Features:

- Show location of all proposed buildings / structures
 - Indicate location of all buildings / structures
 - Indicate size (dimensions) and coverage of all buildings / structures, including height
 - Indicate use of all buildings / structures
 - Show distances from buildings / structures to property lines
 - Show distance from dwelling (and any structures in front of dwelling) to centerline of road
- Provisions for treatment of disposal of sewage and supply of water
- Provisions for handling of stormwater drainage
- Location, dimensions, and arrangement of sidewalks, parking areas, site access, and interior circulation, off-street loading & unloading, and lighting
- Location, dimensions, and arrangement of all areas devoted to open space, ground cover, trees, plantings, and recreation
- Location & design of on- and off-site improvements related to access control & traffic capacity

Example Site Plan for Public Hearings



Honey Brook Township Application for Public Hearing Before the Zoning Hearing Board (Chapter 27, Part 14)

- **Non-refundable filing fee:** the amount is per the current Year's Fee Schedule and is due at the time of submitting the hearing application.
- **Sets of applications:** you have the option of submitting only one set of materials, or ten (10) sets of materials. This is because there are several steps to the process, and some amount of hard copies are required. If you only submit one set of materials, you will be billed for the cost of copying per the current year's Fee Schedule.
- **Electronic file of any large-format maps:** please e-mail an electronic file of any large-format plans to info@honeybrooktwp.com.

Section 6: The applicant must legibly sign, print, and date the application. All materials and the filing fee must be submitted in order for the application to be considered complete.

Please submit to: Honey Brook Township, 500 Suplee Road, P.O. Box 1281, Honey Brook PA 19344

What happens after I submit my application? The Township staff will review the application for completeness. Once it is determined the application is complete, the applicant will receive a signed copy of the application in return. The Township's Planning Commission (PC) and Board of Supervisors (BoS) will each, in turn, discuss the application at their next meeting date. Remember the Township is always and automatically a party to your application. The PC and BoS determine what position the Township will take in front of the ZHB. The Township can take one of three positions: opposed, no position, or support.

What meetings do I have to attend? After you submit your application, the PC will review it at a public meeting. At the next Board of Supervisors (BoS) meeting following the PC meeting, the BoS will review your application. The ZHB will conduct a hearing after those two reviews. You will receive a letter from the Township with the dates of the PC and BoS meetings at which your application will be discussed. *The Zoning Hearing Board Solicitor's office will send you notice under separate cover of your hearing date, which must happen within 60 days of receipt of a complete application.*

It is recommended, but not required, that you attend the PC and BoS meetings. The PC will recommend their position to the BoS, and the BoS will vote on the Township's position. If there are questions about your application, your presence will be helpful to informing their decision. *Please note, however, that attending the Zoning Hearing is mandatory for your application to be considered.*

Do I need an attorney to represent me? An attorney isn't required but can often be helpful. At the least, you may want to consult with an attorney prior to submitting your application to make sure you have covered everything.

Honey Brook Township Application for Public Hearing Before the Zoning Hearing Board (Chapter 27, Part 14)

Section 1:

- a. ___ I request a Special Exception to _____ under Section(s) _____ of the zoning ordinance (Chapter 27 of the Township Code of Ordinances).
- b. ___ I request a Variance from Section(s) _____ of the zoning ordinance.
- c. ___ I'm appealing the Zoning Officer's / Building Inspector's (notice of violation / determinative ruling / decision) contained in his/her letter dated _____ for Section(s) _____ of the zoning ordinance/building code. Note: Enclose copy of letter.

Section 2: Applicant/Owner/Agent Information

- a. Applicant Name*: _____
- b. Applicant Mailing Address: _____
- c. Property Owner's Name (if different): _____
- d. Owner's Mailing Address: _____
- e. Property Location: _____ f. Tax Parcel #: _____
- g. Agent/Representative's Name & Address: _____
- h. Phone: _____ Fax: _____
- i. Applicable email address(es): _____

**if applicant is other than the legal or equitable owner of the property, evidence of authorization to act on behalf of the property owner(s) must be attached.*

Section 3: Existing Improvements/Use Information

- a. Property size (___ acres x 43,560 sq. ft.): _____ b. Total Buildings (sq. ft.): _____
- c. Other impervious coverage (sq. ft.): _____ d. Total Impervious (sq. ft.): _____
- e. (Total Impervious / Property Size =) Percent of total impervious: _____
- f. **Sewer service** (circle): public / septic / sand mound / cesspool / holding tank
- g. **Water** (circle): public/well
- h. Is your sewer or water service shared with another property or use? (circle) yes / no
- i. Current use(s) on the property: _____

j. Is anything about your property non-conforming to the zoning ordinance? (circle) yes / no

Explain: _____

- k. Is your property subject to any easements or other legal restrictions? (circle) yes / no

Explain: _____

- l. Have you checked the flood hazard map? Is any part of your property within it? (circle) yes / no

Explain: _____

- m. Zoning District: _____

**Honey Brook Township
Application for Public Hearing
Before the Zoning Hearing Board (Chapter 27, Part 14)**

Section 4: Narrative description of the proposed use & site improvements (attach separate sheet if necessary): _____

Section 5: Checklist for Completed Applications (incomplete applications must be returned to the applicant for correction)

- I have included a list of the names, parcel numbers and mailing addresses for all properties within 500 feet of the application property on the same street, and all properties within 200 feet of the proposed lot/building if not on the same street.
- I have included an accurate site plan of the property which identifies existing and proposed features according to Section 27-1404.B.7. of the Zoning Ordinance, including--
 - Size, location, and layout of the lot lines (boundaries)
 - Size, location, and identification of existing improvements (distances to lot lines and size of each structure, driveway, or impervious surface)
 - Size, location and identification of the changes I want to make
 - Streams, ponds, and wetlands
 - Flood hazard zone, if applicable (see Township flood hazard map)
- I have included the \$1,000 non-refundable filing fee. I understand this application has the potential to be eligible for additional fees per Section 27-1209.B.2 of the Zoning Ordinance.
- I am either (check one) ___ providing ten (10) sets of this application and accompanying information, or ___ providing one set of documents. I will be billed for the others.
- I am providing an electronic copy of any applicable large-format plan(s).

Section 6:

Applicant's Signature: _____ Date: _____

Agent's Signature: _____ Date: _____

Office Use Only

- List of property owners within 500' on same street/200' if not on same street attached?
- Plot plan complete?
- Filing fee enclosed?
- Appropriate number of complete sets? Y / N If N, applicant will be billed under separate cover.
- Electronic file received (if applicable)?
- Copy of application signed by township official given to applicant?

Complete application received on the: _____ day of _____, 20____.