

◆ WEST SADBURY TOWNSHIP ◆
6400 N. Moscow Road Parkesburg, PA 19365
Phone 610-857-5969 FAX 610-857-1415

APPLICATION FOR ZONING HEARING

Date: _____

1. Your name and address: _____

If applicant is not the owner, please provide copy of agreement of sale, lease or other proof of legal interest.

2. Who owns the real estate on which the proposed exception or variance is being requested:
(Please list names of all owners of record of this real estate.)

3. Please give a brief description of the property including the location of the real estate, lot size and **Tax Parcel Number** on which the proposed zoning relief is being requested:

4. What is the present zoning classification of the subject real estate of this application:

5. What buildings or other structures are now on the property: _____

6. What use is now being made of the property: _____

7. What additions to or improvements in the property do you intend to make under this application? Please describe below as completely as possible:

8. What zoning relief are you requesting? _____

9. Indicate by number, the section of the Zoning Ordinance under which you feel the special exception, variance or other relief requested may be allowed. _____

10. State your reasons why you believe the special exception, variance, or other relief should be granted: _____

11. List names and addresses of all abutting property owners and property owners within 1,000 feet of the subject property. (If additional space is required, attach a separate sheet with the names and addresses of these property owners.)

12. Attorney for Applicant (optional):

The following must be attached to this application:

- a. *A reasonably accurate description of the present improvements and the additions intended to be made under this application or appeal, indicating the size of such proposed improvements, materials to be used and general construction of improvements and locations and sizes of all improvements now erected on all adjoining lots.*
- b. *A plot plan to scale of the real estate to be affected, indicating the location and size of the lot and locations and sizes of improvements now erected thereon and proposed to be erected thereon. The plot plan **must include** all distances between all lot lines and the improvements now erected and proposed to be erected on the real estate to be affected **and** the distances between all lot lines and all improvements now erected on **all adjoining lots**.*
- c. *A fee of \$700.00 should accompany the application. The check should be made payable to West Sadsbury Township.*

Original Application, along with eight copies of Application and eight sets of site plans and check for \$700.00 fee should be sent directly to West Sadsbury Township Zoning Officer, 6400 North Moscow Road, Parkesburg, PA 19365.

NOTE: *Please complete this application in its entirety and submit with all attachments required. An incomplete application will be returned to you.*

(Costs of the hearing will be deducted from the application fee and any excess will be returned. If the costs exceed the application fee, the applicant agrees to pay such excess as evidenced by signature below.) Applicants may be represented by an attorney at the hearing and will receive notice of the hearing by mail.

Copies of the Zoning Ordinance may be obtained from the Secretary of West Sadsbury Township.

Signature of Applicant

Name of Contact for Applicant _____

Phone Number _____

Name of Engineer (if applicable) _____

INFORMATION FOR PERSONS APPEARING BEFORE THE ZONING HEARING BOARD

The Zoning Hearing Board (“ZHB”) is an independent branch of local government that consists of residents of the Township, one of whom serves as its Chairperson. The Board is represented by an attorney who is called the Solicitor. The ZHB has jurisdiction of only those matters that are set forth in Section 909.1(a) of the Pennsylvania Municipalities Planning Code (the “MPC”). Jurisdiction includes matters such as substantive and procedural challenges to municipal land use ordinances, appeals from determinations by the Zoning Officer, requests for variances, applications for special exceptions, and appeals from a determination by Municipal Engineer or Zoning Officer with reference to administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance relating to use or dimensional requirements.

After receiving a Zoning Application, the ZHB must hold a hearing within sixty (60) days unless the applicant waives this time requirement. The hearing must be advertised once a week for two (2) successive weeks in a newspaper of general circulation. The hearing must be advertised no sooner than thirty (30) days prior to the hearing and no later than seven (7) days prior to the hearing in accordance with the MPC. In addition, the property that is the subject of the zoning appeal must be posted, and neighboring land owners may be notified by mail of the hearing depending on current ordinance requirements. Some Townships may also require that the applicant appear before the Planning Commission to seek a recommendation from the Planning Commission which is then shared with the ZHB.

Although the ZHB is not required to follow the formal rules of evidence at its hearings, it conducts a formal hearing, similar to a court proceeding. A court stenographer is present to make record of the hearing. Members of the ZHB are not permitted to communicate either directly or indirectly with the applicant, his or her representatives, or any other person interested in the application, except at the time of the hearing. The ZHB, as a quasi-judicial body, may only hear and receive evidence that is given under oath and that is subject to cross-examination.

Neither an applicant nor an objector is required to retain an attorney for the preparation of the application or participation in the hearing; however, neither the ZHB nor its Solicitor can provide legal advice to participants at the hearing. It is the burden of the applicant to prove his or her case and to submit evidence that supports the application. It is not the responsibility of the ZHB to gather evidence or information for the applicant.

At the hearing, the applicant and other witnesses will first respond to questions posed by counsel. Thereafter, the applicant may be questioned by members of the ZHB and by citizens. The purpose is to ask questions about the testimony of the witness. An objector has the opportunity to present testimony later in the hearing. The objector will be subject to cross-examination by the applicant and is subject to questioning by members of the ZHB and its Solicitor.

The function of the ZHB is to receive information and evidence so that it can make a decision on the relief requested by the applicant. The applicant and any other interested person or party, whether in favor of or opposed to the Application, must be prepared at the time of the hearing to present information and evidence to the ZHB.

The ZHB will endeavor to make a decision at the conclusion of the last hearing; however, the law allows the Board forty-five (45) days from the date of the last hearing in which to make a decision. Some zoning appeals involve complicated issues that require more extensive thought and discussion by the ZHB prior to a decision. After a verbal decision is rendered, the ZHB Solicitor will prepare a written decision to be signed by all of the members of the Board who were present at the hearing. The written decision must be circulated within forty-five (45) days of the final hearing.

An applicant or an interested party who has entered its appearance as a party at the hearing may appeal the decision of the ZHB to the Court of Common Pleas, Chester County, Pennsylvania, within thirty (30) days of the date of this decision. One does not have to enter an appearance as a party in order to ask questions of witnesses.

The ZHB is not the governing body of the municipality. The ZHB can be considered to be the judicial branch of the local government for zoning matters that are separate and distinct from the governing body – which is the Board of Supervisors. The ZHB interprets land use ordinances and serves as the first avenue of appeal from determinations by the Zoning Officer.

– Members of the Zoning Hearing Board