



CHESTNUTHILL TOWNSHIP
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Brodheads ville, PA 18322
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Zoning Hearing Board Application

Select Applicable Fee:

Commercial Hearing Request:

Commercial Variance, Special Exception, or Appeals:

\$1,500.00

Residential Hearing Request:

Variance, Special Exception, or Appeals for Single Family Residential Use:

\$1,250.00

Variance, Special Exception, or Appeal Hearing Requested

\$1,250.00 - Single Family Residential Use

\$1,500.00 - All other Uses

\$1,250.00 - Validity Challenge Appeal (Per Hearing Fee)

\$1,250.00 - Appeal of Zoning Officer Action

Applicant Name:

Applicant Phone Number:

Applicant Address:

Legal Representation:

Is the 911 Address Posted Correctly:

Yes No

Reason for Hearing Request:

14 Digit Parcel Identification Number:

Present Use:

Property Owner Name:

Property Owner Phone Number:

Property Owner Address:

Select Zone/District:

RR	R-1	R-2	R-3	RS	CR	LIC	BP
VC	GC	GIC	I				

I fully understand the provisions of this application and hereby certify that all information submitted is true and correct to the best of my knowledge

Applicant Signature: _____

Owner Signature: _____

The Property Owner/Applicant shall receive ordinance information regarding variance, special exception submittal.

Zoning Officer Initial: _____

Note: If the actual costs of the hearing are less than the application fee, a refund of the remaining balance will be issued.

Matthew T. Neeb
Zoning Officer

Revised: 01/24

The following code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 119-12 **Zoning Hearing Board actions and variances.**

A. Membership of Board.

(1) The Zoning Hearing Board shall consist of five residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being five years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.

(2) Alternate members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. [Note: As of the adoption date of this chapter, such provisions were in Section 903(b) of such Act.]

B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.

C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. [As of the adoption date of this chapter, these provisions were in Section 906(a), (b) and (c) of such Act.]

D. Zoning Hearing Board jurisdiction and functions. The Zoning Hearing Board shall be responsible for the following:

(1) Appeal of a decision by the Zoning Officer.

(a) The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this chapter.

(b) See time limitations for appeals in Subsection E.

(2) Challenge to the validity of the chapter or map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, these provisions were primarily in Sections 909.1 and 916 of such Act.)

(3) Variance.

(a) The Board shall hear requests for variances filed with the Township staff in writing.

(b) Standards. The Board may grant a variance only within the limitations of state law. [Note: As of the adoption date of this chapter, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:

[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 particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;

[2] Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and a variance is therefore necessary to enable the reasonable use of the property;

[3] Such unnecessary hardship has not been created by the appellant;

- [4] 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; and
- [5] 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.]
- (c) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
- (4) Special exception.
- (a) The Board shall hear and decide requests for all special exceptions filed with the Township staff in writing. The Board shall only permit a special exception that is authorized by this chapter. See § 119-17.
- (b) Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes and intent of this chapter.
- (5) Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
- (a) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
- (b) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Act Amendments of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
- (c) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
- (6) The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this chapter, such provisions were primarily within Section 909.1 of such law.)
- E. Time limits for appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, these provisions were in Section 914.1 of such Act.)
- F. Stay of proceedings. The stay of proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, such provisions were in Section 915.1 of such Act.)
- G. Time limits on permits and approvals.
- (1) After a variance is approved or other zoning approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12

months after the issuance of the permits.

- (2) Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.
 - (3) If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this chapter and may consider all such approvals and permits to have become null and void.
- H. Multiple applications. No more than one application for the same property shall be pending before