

APPLICATION for HEARING

SPRING GARDEN TOWNSHIP

APPLICANT: _____
 Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____

PROPERTY OWNER (if other than applicant)
 Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____

PROPERTY
 Address: _____
 City, State, Zip: _____

EXACT LEGAL DESCRIPTION: _____

Do Not Write in This Space

Case No. _____

CHECKLIST

Action Taken	Dates
Application filed	_____
Fee paid \$ _____ ()	_____
Receipt issued..... ()	_____
Placed on calendar..... ()	_____
For meeting of Board on	_____
Notice a) to applicant	_____
of hearing b) to nearby property	_____
mailed: owners	_____
Sign sent for posting	_____
Posting sighted by Z.O.	_____
Hearing held	_____
Decision made	_____
Notification of Decision sent	_____
Appeal filed	_____

Present Zoning District: _____
 (A plot plan of property drawn to scale must be attached to this application. See instructions on attached instruction sheet.)

Date purchased: _____
 Month/Day/Year

Present Use: _____

Lot size: Width: _____ Depth: _____
 Area: _____ sq. ft.

Proposed Use: _____

Date of previous application if any: _____

The above-named applicant requests a hearing before the Zoning Hearing Board and a determination on the following matter:

APPEAL
 (Fill in Section 1 below)

SPECIAL EXCEPTION
 (Fill in Section 2 below)

VARIANCE
 (Fill in Section 3 below)

1 REQUEST FOR APPEAL and review of decision of Zoning Officer dated _____

based upon an interpretation of Section _____ of the Zoning Ordinance.

Nature of error claimed by applicant: _____

2 REQUEST FOR SPECIAL EXCEPTION as required by the Zoning Ordinance in Section _____

The proposed use at the proposed location (see attached site plan) is claimed by the applicant:

- a. To be desirable to the public convenience and welfare for the following reasons:

- b. To be in harmony with the various elements and objectives of the Comprehensive Plan:

- c. Not to be detrimental to the character of the neighborhood for the following reasons:

- d. To be considered with such other standards as required by the Zoning Ordinance Section: _____
- | Standard | Provisions for compliance |
|----------|---------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

3 REQUEST FOR VARIANCE of Section _____ of the Zoning Ordinance under which the Zoning Officer refused to issue a permit on _____ 20____.

Nature of Variance requested: _____

The Applicant believes the variance should be granted because:

- a. He is unable to make reasonable use of his property for the following reasons: _____

- b. The unnecessary hardship on his property is:
 The result of the application of the Zoning Ordinance
 Due to unique physical circumstances of the property in question not shared by other properties in the vicinity
 Not financial in nature
 Not self-created
- c. The proposed variance will not alter the essential character of the neighborhood nor impair the use of adjacent property for the following reasons: _____

- d. The variance requested represents the minimum variance that will afford relief for the following reasons:

Additional information required by the Zoning Hearing Board is attached.

NOTE: I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Dated _____, 20____

Signature of Applicant _____

(must have financial interest in property)

HEARING APPLICATION INSTRUCTIONS

1. An "APPLICATION FOR HEARING" form must be completed and filed for a hearing. All applicants must provide information for each item down to # 1 (except the box in the upper right corner) on the front side of the application. Also, the appropriate section(s) (1, 2, and/or 3) must be completed. Finally, all applicants (must have financial interest) must sign and date the application at the bottom.
2. The **FILING FEE** must be paid at the time of filing the application. This fee may only partially cover the extra cost to the municipality of investigating and processing the application through its various stages. **Any additional expenses incurred by the municipality will be billed to the applicant.**
3. **INFORMATION REQUIRED FOR SPECIAL PERMIT OR VARIANCE APPLICATION.**
Each application for a Special Permit or Variance must be accompanied by the information below:
 - a. Site Plan: including location and use of open spaces and structures and other improvements on the lot. Must be drawn to a scale of 1 inch = 20 feet for lots less than 1/2 acre and to a scale of 1 inch = 50 feet for larger lots. The north point must be shown on all site plans.
 - b. Ground floor plans and elevations of existing and/or proposed structures. Interior plans must be drawn to a scale of 1/4" = 1'.
 - c. Names and addresses of adjoining property owners and such others as the Zoning Officer may require.
 - d. The names and widths of abutting streets and highways.
 - e. Proposed off-street parking and loading areas, access drives and walks.
 - f. Additional information required by the Zoning Ordinance for special uses.
 - g. Photos of property.
4. When all the above listed requirements are met, file Application, Plans and other exhibits with the Zoning Officer and pay the Filing Fee. The Application must be complete in every respect, with ALL questions and demands answered.
5. A copy of the plan approved by the Department of Labor and Industry (when required by the State) must be submitted to the Township after local approval is granted and before a building permit may be issued.
- e. All applications to be considered at a certain month's meeting must be received **NO LATER THAN NOON ON THE FOURTH MONDAY OF THE MONTH** preceding the regularly scheduled monthly meeting (first Tuesday) of the Planning Commission.
- f. Public notice shall be given and the property that is the subject of the application shall be posted as required by the Municipalities Planning Code and the Spring Garden Township Zoning Ordinance and Zoning Hearing Board procedures.
- g. In addition, the Zoning Officer shall mail or deliver written notice of the application to the adjacent property owners shown in the application. Such notice shall specify the dates on which the application will be reviewed by the Planning Commission and heard by the Board.

NOTE TO APPLICANTS FOR VARIANCES:

An applicant for a variance is asking to be granted a right to build or use structures and property differently from the other citizens of Spring Garden Township. The Zoning Ordinance establishes equal rights and privileges which are fair and equitable for all citizens. Special situations may occur which create an unusual hardship for certain individuals if the terms of the Ordinance are enforced strictly. The Zoning Hearing Board has been established to consider such hardships, and if justified in doing so, may grant a Variance.

A Variance is really a permit to violate the Zoning Ordinance. It reverses and destroys a decision which was made when the Ordinance was adopted. Therefore, **variances will be granted only with the greatest reluctance and after the most careful study** in instances where the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

The Zoning Hearing Board has no authority to grant a Variance unless the following findings are made:

- a. There are unique physical circumstances or conditions, including (1) irregularity, narrowness, or shallowness of lot size or shape, or (2) exceptional topographical or other physical conditions peculiar to the particular property, and is not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.
- b. Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance.
- c. The unnecessary hardship is not financial in nature and has not been created by the appellant.
- d. The Variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. 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.

The burden is on the applicant to prove all the above elements to the satisfaction of the Board.

Unless he is prepared to do so, the application will not be granted and it is useless to file it.

The Board may not consider any of the following elements in reaching a decision:

- a. Whether the applicant or the opponents produce the largest number of witnesses or the most vocal witnesses.
- b. Which side obtains the greatest number of signatures on petitions for or against the application.
- c. Whether other similar uses exist or have been permitted in the district, if in fact the Particular use applied for is not a desirable one.

NOTE TO APPLICANTS FOR SPECIAL EXCEPTIONS:

A Special Exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:

- a. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone.
- b. Adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use.
- c. 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 proposed use and/or location, nature and height of buildings, walls, and fences.
- d. 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 large amounts of commercial or industrial traffic to use residential streets.
- e. The specific standards set forth for each particular use for which a Special Exception may be granted have been met.

The burden is on the applicant to prove all that the specific standards are met.