



TOWNSHIP OF HAMPTON
ZONING HEARING BOARD
PROCEDURE AND INFORMATION

I. INTRODUCTION

The following general information is offered to assist you when making an appeal to the Zoning Hearing Board and should not be considered a substitute for the laws, ordinances or rules, under which the board must operate.

Please bear in mind that the Board and/or the Township are in an adversary position to that of you, the appellant. You may hire an attorney to present your case if you so desire.

The Zoning Hearing Board is a quasi-judicial body empowered to render interpretations, grant special exceptions and grant variances to the Zoning Ordinances of the Township.

The Board is governed by and operates under the rules and regulations of the following:

1. Act No. 247 - Commonwealth of Pennsylvania Municipalities Code
2. Ordinance No. 627 - Township of Hampton Zoning Ordinance
3. Rules of Procedure - Zoning Hearing Board Township of Hampton

The idea of zoning ordinances, is that there is a public interest in how land is used that transcends the private right of the individual to have complete freedom to do whatever he wishes with his land.

The responsibility of the Zoning Hearing Board is to maintain a substantial conformity to the zoning ordinances, safeguard the public interest and grant the individual, responsible use of his land within the scope of the law.

The Building Inspector/Fire Marshal and/or the Zoning Officer are the enforcement arm of the Board and must follow the literal provisions of the ordinances. They have no discretionary authority and must refer all permit applications, which do not comply with the ordinances, to the Zoning Hearing Board for a decision.

Any violation of the ordinances may be cited for correction by the Building Inspector/Fire Marshal and/or the Zoning Officer under the provisions provided by the ordinances. However, the property owner involved may request a hearing before the Zoning Hearing Board, prior to any further legal action that may be taken.

II. APPLICATION PROCEDURE

The ordinances provide the guidelines under which the Building Inspector/Fire Marshal and/or the Zoning Officer may issue various permits. A permit request, which does not comply with the ordinances, must be referred to the Zoning Hearing Board for a decision, if the property owner wishes to proceed with the installation or construction in question.

THE NECESSARY ITEMS TO MAKE APPLICATION FOR A ZONING HEARING BOARD APPEAL ARE AS FOLLOWS:

1. Completed Building Permit Application, that was rejected by the Building Inspector or Notice of Violation (NOV) from the Zoning Officer.
2. Completed Notice of Appeal Application
3. Plot Plan or Survey of the Property
4. Drawing of the Proposed Construction
5. Any other information that you feel will assist the Board, such as photos, manufacturers brochures on package items, noise information (as for air conditioners), letter from neighbors, etc.
6. THE REQUIRED FEE

ALL OF THE ABOVE ITEMS must be filed with the Township by the 20th of the month preceding the month of the hearing date. The Zoning Hearing Board meets once a month on the **FOURTH MONDAY**.

III. HEARINGS AND DECISIONS

All hearings or cases before the Board are conducted in a formal manner as in any court of law. All persons intending to offer testimony must be sworn in and all testimony given must be factual and pertinent to the particular case. You, the appellant, may be represented by legal counsel if you so desire.

The appellant must show that special circumstances, conditions or hardships, exist on the parcel of land, such as the irregular shape, unusual topography or other peculiar conditions, which do not generally apply to other land in the neighborhood. The board has no obligation to ask questions or make investigation. You, the appellant, must present all of your arguments convincingly. You, the appellant, may use neighbors as witnesses and offer other evidence, such as photographs and plot plans, etc.

The Board is **NOT** permitted to consider financial hardships or personal convenience as a basis for granting a variance of special exception.

A VARIANCE GRANTED BY THE BOARD MUST MEET ALL OF THE FOLLOWING REQUIREMENTS: (Also see section 15.510, Subsection 15.512, Paragraphs a,b,c,d,e, and Subsection 15.513 of Zoning Ordinance No. 627, attached.)

1. Will require the least modification of the prescribed regulation
2. Will be the minimum that will accomplish the purpose
3. Will be in harmony with the purpose and intent of the ordinance
4. Will be in accordance with general or specific rules of the ordinance
5. Will not be injurious to the neighborhood or detrimental to the welfare of the people at large

A variance or special exception, when granted, is not granted to the individual making the application, but is granted to the parcel of land and exists in perpetuity, unless the Board prescribes special conditions to the contrary in the decision.

The law provides that the Board must make its decision within FORTY-FIVE (45) DAYS of the hearing. Should no decision be made within this forty-five (45) day period, the requested variance is automatically granted. It has been the practice of the Board to make and issue decisions approximately ONE (1) MONTH from the date of the hearing at the next regular meeting. The Board may continue any case to the next meeting, should it feel that additional testimony or information is required.

IV. APPEAL OF THE BOARD DECISION

Any appeal of a Zoning Hearing Board decision must be presented to the Common Pleas Court of Allegheny County not later than **THIRTY-(30) DAYS** after issuance of such decision.

Appeals may be taken to court by any party before the Board or by any officer or agency of the municipality.

The court may affirm, modify or reverse the decision of the Zoning Hearing Board.

THERE IS NO TOWNSHIP AGENCY OR PERSON, INCLUDING TOWNSHIP COUNCIL AND/OR THE TOWNSHIP MANAGER THAT HAS JURISDICTION OVER. OR THE POWER TO CHANGE ANY DECISION MADE BY THE ZONING HEARING BOARD.

15.510 VARIANCES

15.511 The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

15.512 Variance from the terms of this Ordinance shall not be granted by the Board unless a written application for a variance is submitted to the secretary of the Board. The Board may grant a variance, ***IF ALL OF THE FOLLOWING FINDINGS ARE MADE WHERE RELEVANT IN A GIVEN CASE:***

- a. that there are unique physical circumstances of conditions including, but not limited to, 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 Ordinance in the neighborhood or district in which the property is located;
- b. that, because of such physical circumstances of conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- c. that, such unnecessary hardship has not been created by the appellant;
- d. 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 of development of adjacent property or be detrimental to the public welfare; and
- e. 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.

15.513 In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Act and the Zoning Ordinance.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Appeal No. _____ Date Filed _____ Hearing Date _____

Fee Paid _____ Check No. _____ Advertise Dates _____

**ZONING HEARING BOARD
TOWNSHIP OF HAMPTON**

NOTICE OF APPEAL

(I) (We) _____ of _____
(Name) (Mailing Address)
_____, _____
(City and State) (Phone)

request that a determination be made by the **ZONING HEARING BOARD** on the following appeal, which was denied by the Building Inspector **OR** from a Notice of Violation on: _____, for the reason that it was a matter which, in their opinion, should properly come before the Board.

_____ An Interpretation _____ A Determination Appeal _____ A Special Exception _____ A Variance is requested to ORDINANCE _____, ARTICLE _____, SECTION _____, SUBSECTION _____, PARAGRAPH, _____ TABLE _____ for the reason that:

_____ It is an appeal for an interpretation of the ordinance or map.

_____ It is an appeal to the determination of the Zoning Officer.

_____ It is a special exception to the ordinance on which the Zoning Hearing Board is required to pass.

_____ It is a request for a variance relating to the _____, area, _____ frontage, _____ yard, _____ height, _____, use, or

(State, if request is for purpose other than enumerated above)

(Provisions of the Ordinance)

The description of the property involved in this appeal is as follows:

LOCATION: _____

LOT SIZE: _____ **PRESENT USE:** _____ **ZONE DISTRICT:** _____

PRESENT IMPROVEMENT UPON LAND: _____

PROPOSED USE: _____

I,(we) believe that the Board should approve this request because:
(Include the grounds for appeal and/or reasons, both with respect to law and fact for granting the appeal, special exception or variance. If hardship is claimed, state the specific hardship.)

Has any previous application or appeal been filed in connection with this property?

Yes, _____ If so, when _____ No, _____

What is the appellant's interest in the property affected?

Owner _____ Agent _____ Lessee _____

Other _____ (please explain) _____

What is the approximate cost of the work involved? _____

The names and addresses of all the owners of property within a distance of 300 feet from the exterior limits of the property involved in this appeal will be provided by Township staff, as shown on the latest tax assessment rolls of the County of Allegheny. (This section will be completed by Township staff)

A copy of the plan of real estate (survey) affected, showing location and size of lot, size of improvements now erected and/or proposed to be erected, or other change desired, together with any other information required by the Zoning Hearing Board, must be attached to each copy of this application.

If more space is required to complete any item in this application, attach a separate sheet to each copy of this application and make specific reference to the question being answered.

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

Signature

Date

**** Please Note: You are given two copies of this application. One is to be filled in completely and signed. The second set is to be signed only and left blank. It will be typed in. Both sets are to be returned.**

ZONING HEARING BOARD
WAIVER FORM

I (we), the undersigned, do hereby waive the requirement of the Municipalities Planning Code, Article IX, Section IX, Section 908, Paragraph 7, that states that a stenographic record of the proceedings and transcript of the proceedings be made available to me at cost. In lieu of the above requirement, I agree that a verbatim tape recording of the proceedings will be sufficient. In the event that I decide to appeal the decision of the Zoning Hearing Board to the Court, I agree to pay all costs of a transcribed record of said verbatim tape recording.

Attest:

Zoning Secretary

Applicant

Date

Case No.

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Yes, _____ If so, when _____ No, _____

What is the appellant's interest in the property affected?

Owner _____ Agent _____ Lessee _____

Other _____ (please explain) _____

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Zoning Secretary

Applicant

Date

Case No.

Rev. 12/08, jg