

Gregg Township Zoning Hearing Board

PO Box 184
106 School Street
Spring Mills, PA 16875

(814)422-8218 Fax (814)422-8080

VARIANCE PROCEDURES

The following forms are attached as information regarding a variance request to the Zoning Hearing Board:

1. Form ZHB-6 (Variance Criteria)
2. Copy of the Zoning Hearing Board Fee Schedule

You must meet all five of the criteria listed on form ZHB-6 for the Zoning Hearing Board to grant a variance.

The following forms must be completed and returned with the required fee to start the variance process:

1. Form ZHB-1 (Variance Application)
2. Form ZHB-2 (Entry of Appearance)
3. Form ZHB-3 (Waiver of Stenographic Record)

Form ZHB-1 should be completed to the best of your ability.

A copy of Form ZHB-2 must be completed by everyone that will be presenting testimony on your behalf.

Form ZHB-3 must be completed if you do not want a stenographic record of the hearing to be taken. The cost of a stenographic record will be shared equally by the Township and the applicant if you desire a stenographic record. The Township will record the hearing if a stenographic record is not being utilized.

The fee schedule lists the different types of requests and their subsequent fees.

If you have any questions regarding any of the forms or fee, please call the Gregg Township Office at 814-422-8218.

Zoning Hearing Board of Gregg Township

ZHB – 1

Application for Hearing

The undersigned hereby applies to the Zoning Hearing Board for a hearing.

1. APPLICANT

Name: _____

Address: _____

Phone: _____

2. PROPERTY OWNER (If different from Applicant)

Name: _____

Address: _____

Phone: _____

3. PROPERTY LOCATION

Address: _____

Description: _____

Tax Parcel#: _____

Zoning Designation: _____

4. PRESENT USE OF THE PROPERTY:

5. PROPOSED USE OF THE PROPERTY:

ZHB-1

6. JURISDICTION OF ZONING HEARING BOARD

- _____ Section 909.1 (1) Substantive Validity Challenge
- _____ Section 909.1 (2) Procedural Validity Challenge
- _____ Section 909.1 (3) Appeal from Zoning Officer
- _____ Section 909.1 (4) Flood Plain or Flood Hazard Ordinance
- _____ Section 909.1 (5) Variance
- _____ Section 909.1 (7) Transfer Development Rights
- _____ Section 909.1 (9) Sedimentation, Erosion Control,
Storm Water Management

*The material referenced in this section is from the Pennsylvania Municipalities Planning Code. A copy of this publication is on file at the Gregg Township Office, a public library or www.inventpa.com/ publications.

Fill in the information requested to describe your appeal or request:

1. Identify the ordinance or section of the ordinance involved.

2. Describe the action appealed from or the request you are making to the Board.

3. Describe what you desire to build or to do.

4. Describe the reasons for your appeal or request.

Please attach all documents, plans, maps, correspondence or other materials relevant to your appeal.

ZHB-1

Please list the names, addresses, and phone numbers for the owners of every property that touches and/or is within 500 ft. of the parcel in question.

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

Signature of Applicant _____
Date of Application _____

Gregg Township Zoning Hearing Board

FORM ZHB – 2

ENTRY OF APPEARANCE

NAME OF CASE: _____

PROPERTY LOCATION: _____

I DESIRE TO BE CONSIDERED A FORMAL PARTY TO THESE

Gregg Township Zoning Hearing Board

FORM ZHB – 2

ENTRY OF APPEARANCE

NAME OF CASE: _____

PROPERTY LOCATION: _____

I DESIRE TO BE CONSIDERED A FORMAL PARTY TO THESE PROCEEDINGS. PLEASE SEND ALL NOTICES TO ME OR TO MY ATTORNEY.

NAME: _____

ADDRESS: _____

I AM PRESENT ON BEHALF OF: _____

SIGNATURE

DATE

EXPLANATION: This form must be filed by every person or his attorney, including the applicant, who desires to be considered a formal party or attorney of record in these proceedings. It is not required to be signed by persons who are only present as witnesses.

PROCEEDINGS. PLEASE SEND ALL NOTICES TO ME OR TO MY ATTORNEY.

NAME: _____

ADDRESS: _____

I AM PRESENT ON BEHALF OF: _____

SIGNATURE

DATE

EXPLANATION: This form must be filed by every person or his attorney, including the applicant, who desires to be considered a formal party or attorney of record in these proceedings. It is not required to be signed by persons who are only present as witnesses.

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FORM ZHB - 3

WAIVER OF STENOGRAPHIC RECORD

I AGREE TO WAIVE THE REQUIREMENTS OF SECTION 908 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, WHICH REQUIRES THAT A STENOGRAPHIC RECORD OF THE PROCEEDINGS BE MADE. INSTEAD, I AGREE THAT A RECORD OF THE PROCEEDINGS MAY BE MADE ON A TAPE RECORDER.

DATE:

SIGNATURE

PRINT NAME

EXPLANATION: Parties have the right under Section 908 of the Municipalities Planning Code to have a stenographic record made of the hearing. This usually requires that a court reporter be called in. If the parties waive the requirement of a stenographic record, the record of the hearing shall be kept on the Municipality's sound recording system. If a party does not desire to waive this taking of the recording by a stenographer, he shall so advise the Board prior to the hearing so that a stenographer can be arranged to be present.

Gregg Township Zoning Hearing Board

Form ZHB – 6

VARIANCE CRITERIA

One of the functions of the Zoning Hearing Board is to hear requests for variances for the provisions of the Gregg Township Zoning Ordinance. The granting of variances is strictly regulated by state law. The Pennsylvania Municipalities Planning Code provides that all of the following five (5) criteria must be addressed in order to grant a variance.

The function of the Zoning Hearing Board is to hear requests for variance where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant, to grant or deny special exceptions as stated in the Zoning Ordinance, hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures, misinterpreted or misapplied any provisions of the Zoning Ordinance.

The Board may grant a variance:

1. Where there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topography or other physical hardship is due to such conditions, and not the circumstances or conditions generally created by the provision of the Zoning Ordinance in the neighborhood or district in which the property is located; and
2. Where, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable use of the property; and
3. Where such unnecessary hardship has not been created by the appellant; and
4. Where the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. Where 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.

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.

Explanation: This form is developed to give citizens who want to know the criteria, which are established by law, for the granting of a variance.