

West Nantmeal Township

Zoning Hearing Fees

A deposit of \$800.00 is required at the time a Zoning Hearing Application is filed.

The applicant's costs for a Zoning Hearing are as follows:

- Board compensation is \$25.00 per member (3) and \$25.00 for the Zoning Hearing Board Secretary
- All advertising costs
- One half of the stenographer's appearance fee
- Administrative fee of \$200.00

The above charges are deducted from the applicant's \$800.00 with the balance being returned to the applicant. If costs should exceed the escrow deposit then the applicant will be billed accordingly.

Adopted and effective June 11, 2007.

ZONING HEARING BOARD – TOWNSHIP OF WEST NANTMEAL

NOTICE OF APPEAL

Date: _____, 20

Appeal No. _____

Appeal is hereby made by the undersigned (check applicable item or items):

() from the action of the Zoning Office in refusing my application for a zoning permit dated _____, 20 .

() from the action of the Zoning Officer in refusing my application for certificate of use and occupancy dated _____, 20 .

() for a special exception from the terms of the West Nantmeal Township Zoning Ordinance.

() for a variance from the terms of the West Nantmeal Township Zoning Ordinance.

() other _____

Applicant: Name: _____

Address: _____

Telephone: _____

Holder of Legal Title to Land (Record Owner):

(Name of Owner(s))

(Address)

(Telephone)

Equitable Title Holder (Purchaser under Agreement of Sale, etc.):

(Name of Equitable Owner)

(Address)

(Telephone)

Appellant's attorney, if any:

(Name)

(Address)

(Telephone)

Interest of Appellant if not the Record Owner:

(Agent, Equitable Owner, Lessee, etc.)

1. Brief description of real estate affected:

Location: _____

Deed Book Reference: Deed Book Volume _____, at Page _____, etc.,
Chester County Records

Lot size: _____

Present Use: _____

Present Zoning Classification: _____

Present Improvements upon Land: _____

2. Describe purpose of this Appeal (proposed construction or use and manner and degree that this proposal is prohibited by the Zoning Ordinance):

3. If this is an appeal from the action of the Zoning Officer, complete the following:

Date determination made: _____

Your statement of alleged error of Zoning Officer (if error is alleged):

4. Reason Appellant believes Zoning Hearing Board should approve desired action (refer to section or sections of Ordinance under which it is felt the desired action may be allowed. Note whether hardship is or is not claimed and the specific hardship): _____

5. Has a previous appeal been filed in connection with these premises?

Yes _____ No _____

6. If your answer to No. 5 was "yes", give pertinent data connected with previous appeal: _____

7. Cite specific sections of Zoning Ordinance from which relief is requested:

Note: Attach one copy of plan of real estate affected indicating location and size of lot, size of improvements now erected, and proposed to be erected thereon, or other change desired; also any other information pertinent to the appeal. If more space is needed, attach a separate sheet and make specific reference to the question being answered thereon. In No. 4 above, include the grounds for the appeal, or reasons both with

respect to law and fact for granting the appeal or the special exception or variance. Specifications of errors must state separately the Appellant's objections to the actions of the Zoning Officer with respect to each question of law and fact which is sought to be reviewed. If you are requesting a variance, it is necessary that you conform to the requirements of Section 1607 of the Zoning Ordinance, a copy of which is attached.

List below other parties in interest (tenant, mortgagor, etc.) who should be notified of the hearing on this appeal, if any:

Name and address: _____

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

Date: _____, 20__ . _____

Witness to Signature (s): _____ (Appellant)

_____ (Appellant)

_____ (Appellant)

_____ (Appellant)

All appeals must be filed with the Township Secretary at the West Nantmeal Township municipal building, 455 North Manor Road, P.O. Box 234, Elverson PA 19520. A deposit of \$800.00 must accompany the appeal when filed. Check or money order should be made payable to "West Nantmeal Township".

In the event the appeal costs exceed the amount of the deposit, the Applicant will be billed for such excess costs.

No continued hearing will be held and nod decision will be given until the Township of West Nantmeal has been paid for all costs or arrangements satisfactory to the Township of West Nantmeal have been made for the payment of all costs.

of any act, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 45 days after the decision of the hearing officer. Where the Zoning Hearing Board has power to render a decision and the Zoning Hearing Board or the hearing officer, as the case may be, fails to commence, conduct or complete the required hearing as required by this Zoning Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

- (K) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him by certified mail not later than the day following its date. To all other persons who have filed their names and addresses with the Board no later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 1206: Zoning Variances

- (A) The Zoning Hearing Board shall hear requests for zoning variance applications, whereas it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The zoning variance application shall be considered by the Zoning Hearing Board in accordance with the provisions specified by this Zoning Ordinance.
- (B) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board may, by rule, prescribe the form of application and may require a preliminary application to be issued and reviewed by the Zoning Officer.
- (C) In all cases before the Zoning Hearing Board, the Board of Supervisors, Planning Commission and Zoning Officer may review and comment on the zoning variance application prior to the Zoning Hearing Board rendering a decision.
- (D) The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:
 - (1) That 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 condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
 - (2) That 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 Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) 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 or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance as granted by the Zoning Hearing Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (E) If a subdivision or land development plan is required to implement a variance granted by the Zoning Hearing Board, the variance shall remain valid provided that the following time frames, terms and conditions have been achieved: