UPPER UWCHLAN TOWNSHIP

INSTRUCTIONS FOR ZONING HEARING BOARD APPLICATIONS

1. An application to appear before the Zoning Hearing Board is available in the Township Building.

2. Deposits - (To accompany the application)

   Residential - $650.00

   Commercial/Industrial - $1400.00

3. Applications for other than special exception or variance from terms of this ordinance shall contain sufficient written information to fully describe the intended use. Where, in the sole discretion of the Zoning Officer, it is appropriate for the applicant to furnish plans and/or specifications or any other relevant information incident to intended use, such information shall be required to be submitted with the application.

4. In the event any required information is not furnished, the application shall be deemed incomplete.

5. The hearing shall be held within sixty (60) days from the date of completed application submittal unless the applicant has agreed in writing to a time extension.

6. A decision shall be rendered within forty five (45) days after the hearing is concluded.

UPPER UWCHLAN TOWNSHIP

GUIDELINES FOR APPLICANTS TO THE UPPER UWCHLAN TOWNSHIP ZONING HEARING BOARD

The following information is presented to assist our residents in presenting their application to the Zoning Hearing Board.

PURPOSE OF THE ZONING HEARING BOARD:

1) To grant variances from the provisions of the Zoning Code where the Zoning Code creates an unreasonable restriction on the use of land.

2) To grant Special Exceptions from the Zoning Code in specific situations.

3) To hear appeals from a decision of the building official/zoning officer.

PREPARATIONS FOR HEARING:

You will be notified of a tentative hearing date shortly after your application is filed and accepted. The Township will advertise the time and date of the hearing. You will receive a copy of this advertisement approximately two weeks prior to the hearing date. In addition, all properties within 500 feet of your property will receive a notice of the hearing. The Township will also place an official notice on your property.

A detailed plot plan which depicts existing (and proposed) structure and property lines is required. It need not be drawn by an engineer, however, the greater the detail, the better your application can be discussed.

For example, if you are seeking a variance to add a garage to your house the plan must show the distance your garage is to the property line.

CONDUCT OF THE HEARING:

The proceedings before the Zoning Hearing Board are similar to those which take place in court except the atmosphere is more informal. Witnesses will be sworn under oath and the proceedings are transcribed by a court reporter. You are not required to be represented by an attorney. However, depending upon the complexity of your application, it may be necessary to the have an attorney.

If you are making the presentation, you have the burden of proof to show the Board you are entitled to a variance or you meet the requirements for a special exception. Do not expect the Board to ask you all the necessary questions. The Board will

depend on you to produce all relevant information. A typical presentation of the Board follows three basic steps:

1) An explanation and description of the present condition of the property.

2) A description and an explanation of the proposed changes.

3) A list of reasons or explanation as to why relief is necessary. The Zoning Hearing Board is provided with statutory guidelines that it must follow before granting variances. The guidelines are separated into five classifications:

   1. There must be unique physical circumstances or conditions.

   How does your property differ from the other properties in your neighborhood? Is it smaller? Larger? Does it have a steep hill? Are the boundaries irregular? Has the builder placed the building on your lot in a peculiar manner?

   2. The circumstances or conditions must prevent a reasonable use of the property.

   Because of the peculiar circumstances mentioned above, are you unable to enjoy the same privileges as neighboring property owners? For instance, if you are expanding your existing building, can the expansion be located at another part of the building were a variance is not required? Is a two car garage necessary when a one car garage can be constructed on the side of the house or could be relocated to the rear without the need of a variance?

   3. The circumstances or conditions have not been created by the landowner?

   You must not have created the peculiar circumstances or conditions which exist. The Zoning Hearing Board is not permitted to allow people to create conditions which would justify the granting of a variance. You must be able to show that conditions exist beyond your control, such as a steep hill or the preservation of a large tree.

   4. The request for relief will have no adverse affect upon neighboring properties or the neighborhood.

   The effect of your proposal upon neighboring property owners and the neighborhood in which you are located is an important factor. You should consider whether or not your property will have an effect on your neighbors. The Board must consider the effect upon all the properties in your neighborhood and what would happen if similar relief were granted to all property owners. Would this be detrimental to your neighborhood? Would this distract from property values in your neighborhood?

5. The request must grant relief and represent the least modifications possible.

Is the variance which you seek necessary to give you relief and represent the least modification possible of the zoning regulations at issue? If you are seeking to add to your house, you should determine whether or not your proposed expansion is more than is necessary and whether any encroachments into side yard setback requirements can be reduced and/or screened.

Once you have completed your presentation, the Board may have questions for you. Some of these questions may ask you to make concessions and agree to certain conditions concerning the placement of shrubbery, the presentation of trees, and the installation of fences. The Board is permitted to condition its decision in such a way as to minimize the impact on the neighborhood.

When the Board has finished its questions, the proceedings are "opened to the floor". Those in attendance, your neighbors or those who live in the Township, are entitled to ask questions or testify either for or against your application.

After the hearing, the Board will issue a written Decision. These Decisions are adopted by the Board at a public meeting and mailed to all applicants. The Board has forty-five (45) days from the presentation meeting date to send you a written Decision.

Please contact the Township's Zoning Officer, if you have any questions.

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PA

APPLICATION TO THE ZONING HEARING BOARD

TAX PARCEL NO. _____ **DATE** _____

_____ hereby make an appeal for a variance/special exception
(I/ We) (cross out one)

from the terms of Article _____ Section _____ Paragraph _____,
of the Upper Uwchlan Township Zoning Ordinance of 1989, as amended.

Name of Appellant _____Owner of Parcel: _____

Address _____Address: _____

Tel No: _____Tel No: _____

Email: _____ Email: _____

Zoning District: _____

A brief description and location of the Real Estate to be affected by proposed change.

_____

_____

Present use and improvements on Real Estate in question._____

_____

_____

Reasons appellant believes Board should approve appeal (refer to sections of ordinance under which appeal may be allowed, and reason why it should be granted._____

_____

_____

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

Sworn to and subscribed before me this _____ day of _____, 20_____.

_____ _____

(Notary Public) (Appellant)

For Official Use

Date Received _____

Deposit Paid $ _____